

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

1-4

Page 1	Page 3
<p>1 2 UNITED STATES DISTRICT COURT 3 SOUTHERN DISTRICT OF NEW YORK 4 -----X 5 FARAH JEAN FRANCOIS, 6 Plaintiff, 7 -against- Case No. 1:22-c-4447-JSR 8 VICTORY AUTO GROUP LLC d/b/a VICTORY 9 MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a 10 VICTORY MITSUBISHI, STAVROS ORSARIS, YESSICA 11 VALLEJO, DAVID PEREZ, DIANE ARGYROPOULOS, and 12 PHILIP ARGYROPOULOS, 13 Defendants. 14 ----- 15 VIDEOTELECONFERENCED DEPOSITION OF: 16 DIANE ARGYROPOLOUS 17 New York, New York 18 Friday, December 9, 2022 19 20 21 22 23 Reported by: 24 Aydil M. Torres, CSR 25 JOB NO. J8950423</p>	<p>1 2 A P P E A R A N C E S: 3 4 LAW OFFICES OF AHMAD KESHAVARZ 5 Attorneys for Plaintiff 6 16 Court Street, #2600 Brooklyn 7 New York, New York 11241 8 BY: EMMA CATERINE, ESQ. 9 10 11 12 NICHOLAS GOODMAN &amp; ASSOCIATES, PLLC 13 Attorneys for Defendants 14 333 Park Avenue South, Suite 3A 15 New York, New York 10010 16 BY: H. NICHOLAS GOODMAN, ESQ. 17 18 ALSO PRESENT: 19 Patrick Selvey, Esq. 20 Ahmad Keshavarz, Esq. 21 22 23 24 25</p>
Page 2	Page 4
<p>1 2 3 4 5 December 9, 2022 6 10:01 a.m. 7 8 9 VTC deposition of 10 DIANE ARGYROPOLOUS, held at the 11 offices of Nicholas Goodman &amp; 12 Associates, PLLC, 333 Park Avenue 13 South, New York, New York, pursuant 14 to Notice, before Aydil M. Torres, 15 a Notary Public of the State of 16 New York. 17 18 19 20 21 22 23 24 25</p>	<p>1 2 S T I P U L A T I O N S 3 4 IT IS HEREBY STIPULATED AND AGREED 5 by and between the attorneys for the 6 respective parties herein, that filing, 7 sealing and certification and the 8 same are hereby waived and that the 9 questioning attorney shall provide counsel 10 for the witness examined herein with a copy 11 of this examination at no charge. 12 13 IT IS FURTHER STIPULATED AND AGREED 14 that all objections, except as to the 15 form of the question shall be reserved 16 to the time of the trial. 17 18 IT IS FURTHER STIPULATED AND AGREED 19 that the within deposition may be signed 20 and sworn to before any officer authorized 21 to administer an oath, with the same force 22 and effect as if signed and sworn to before 23 the Court. 24 25</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

5-8

Page 5	Page 7
<p>1</p> <p>2 THE REPORTER: My name is</p> <p>3 Aydil M. Torres a New York State</p> <p>4 notary public and certified</p> <p>5 shorthand reporter. This</p> <p>6 deposition is being held via</p> <p>7 videoconferencing equipment. The</p> <p>8 witness and reporter are not in the</p> <p>9 same room. The witness will be</p> <p>10 sworn in remotely pursuant to</p> <p>11 agreement of all parties. The</p> <p>12 parties stipulate that the</p> <p>13 testimony is being given as if the</p> <p>14 witness was sworn in person.</p> <p>15 DIANE ARGYROPOLOUS,</p> <p>16 called as a witness, having been</p> <p>17 duly sworn by a Notary Public, was</p> <p>18 examined and testified as follows:</p> <p>19 THE REPORTER: Please state</p> <p>20 your name and spell it for the</p> <p>21 record.</p> <p>22 THE WITNESS: Diane</p> <p>23 Argyropoulos. D-I-A-N-E,</p> <p>24 A-R-G-Y-R-O-P-O-U-L-O-S.</p> <p>25 THE REPORTER: Please state</p>	<p>1</p> <p>2 that?</p> <p>3 Q. Sure. Have you ever had a</p> <p>4 deposition taken before?</p> <p>5 A. Yes.</p> <p>6 Q. And what was the nature of that</p> <p>7 deposition?</p> <p>8 A. The Nelson case.</p> <p>9 Q. Any other depositions, besides that</p> <p>10 one?</p> <p>11 A. I don't recall. I don't think so.</p> <p>12 I don't recall any.</p> <p>13 Q. And were you testifying as an</p> <p>14 individual or as a corporate representative</p> <p>15 in that case?</p> <p>16 A. Corporate representative, yeah.</p> <p>17 Q. Okay. Have you ever testified in a</p> <p>18 court proceeding?</p> <p>19 A. Yes.</p> <p>20 Q. Which court proceeding did you</p> <p>21 testify in?</p> <p>22 A. It was about the Etch.</p> <p>23 Q. The New York Attorney General case;</p> <p>24 is that correct?</p> <p>25 A. Yes, yes.</p>
Page 6	Page 8
<p>1</p> <p>2 your address for the record.</p> <p>3 THE WITNESS: 4101 Boston</p> <p>4 Road, Bronx, New York 10466.</p> <p>5 EXAMINATION BY</p> <p>6 MS. CATHERINE:</p> <p>7 Q. Good morning.</p> <p>8 A. Good morning.</p> <p>9 Q. Ms. Argyropoulos, have you ever</p> <p>10 gone by any other names or aliases?</p> <p>11 A. My maiden name.</p> <p>12 Q. What is that?</p> <p>13 A. Papadakos.</p> <p>14 Q. Could you spell that, please?</p> <p>15 A. P-A-P-A-D-A-K-O-S.</p> <p>16 Q. Some of the documents in this case</p> <p>17 have "Argyropoulos" spelled differently.</p> <p>18 Do you ever spell it differently or</p> <p>19 are those just misspellings?</p> <p>20 A. It's misspelled.</p> <p>21 Q. Okay. I am sure probably often.</p> <p>22 A. It's a long name.</p> <p>23 Q. Have you ever had your deposition</p> <p>24 taken before?</p> <p>25 A. "Have" I -- sorry, can you rephrase</p>	<p>1</p> <p>2 MR. GOODMAN: You have to</p> <p>3 let her finish the question. So</p> <p>4 the court reporter can't take down</p> <p>5 two people at once.</p> <p>6 THE WITNESS: Sorry.</p> <p>7 Q. It's all right. It's natural to do</p> <p>8 that in conversation. Just try to -- try to</p> <p>9 remember that.</p> <p>10 What do you remember about that</p> <p>11 case?</p> <p>12 MR. GOODMAN: Object to the</p> <p>13 form; go ahead.</p> <p>14 A. I remember that my general manager</p> <p>15 was selling a product. I was not aware that</p> <p>16 we were going to have a problem with that.</p> <p>17 Once it came to my attention, I fired him and</p> <p>18 everybody else who was selling this product.</p> <p>19 Q. What was the name of that general</p> <p>20 manager?</p> <p>21 A. Scott.</p> <p>22 Q. Last name?</p> <p>23 A. I don't recall. It's been too many</p> <p>24 years.</p> <p>25 Q. That's all right. And what were</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
9-12

<p style="text-align: right;">Page 9</p> <p>1</p> <p>2 the names of the other employees who you</p> <p>3 fired?</p> <p>4 A. Danny. I don't...</p> <p>5 Q. If you don't remember, don't guess.</p> <p>6 Just tell me what you remember.</p> <p>7 A. Danny. That's all I remember.</p> <p>8 Q. Okay. All right. Let's take a</p> <p>9 look at Exhibit 35, which is Bates-stamped</p> <p>10 Francois 3679 to Francois 3684.</p> <p>11 MR. GOODMAN: Emma, what's</p> <p>12 the subject matter of those?</p> <p>13 MS. CATHERINE: That's the</p> <p>14 stipulation of settlement for the</p> <p>15 New York Attorney General lawsuit.</p> <p>16 MR. GOODMAN: All right.</p> <p>17 Let me go through what I have here.</p> <p>18 MS. CATHERINE: Yeah, sure.</p> <p>19 MR. GOODMAN: It's probably</p> <p>20 here somewhere, so -- I don't think</p> <p>21 I have that out on the table for</p> <p>22 whatever reason. I can get it</p> <p>23 printed pretty quickly, if we need</p> <p>24 to do that.</p> <p>25 MS. CATHERINE: No, that's</p>	<p style="text-align: right;">Page 11</p> <p>1</p> <p>2 MR. GOODMAN: Object to</p> <p>3 form.</p> <p>4 A. I don't really know why, to be</p> <p>5 honest. I am the one who appeared to the</p> <p>6 court. Phil was not there. I mean, to me,</p> <p>7 at the time, it didn't really matter because</p> <p>8 I knew we were paying back that money, so I</p> <p>9 was not concerned about a judgment.</p> <p>10 Q. So I know you have taken a</p> <p>11 deposition before, but let's just go over a</p> <p>12 couple of basics, just to refresh your</p> <p>13 memory.</p> <p>14 If you don't understand a question,</p> <p>15 will you please ask me to rephrase the</p> <p>16 question?</p> <p>17 A. Yes.</p> <p>18 Q. If I ask a question and you don't</p> <p>19 ask me to rephrase the question, is it</p> <p>20 reasonable to assume that you understood the</p> <p>21 question?</p> <p>22 MR. GOODMAN: Object to</p> <p>23 form.</p> <p>24 A. Yes.</p> <p>25 Q. During the course of your</p>
<p style="text-align: right;">Page 10</p> <p>1</p> <p>2 all right. We will just see if we</p> <p>3 can ask these questions without the</p> <p>4 document in front of us.</p> <p>5 MR. GOODMAN: Okay.</p> <p>6 Q. Ms. Argyropoulos, what do you</p> <p>7 remember about how the New York Attorney</p> <p>8 General lawsuit was resolved?</p> <p>9 MR. GOODMAN: Object to the</p> <p>10 form; go ahead.</p> <p>11 A. I remember that it was settled and</p> <p>12 we paid back everything that we charged.</p> <p>13 Q. Do you recall a provision in the</p> <p>14 settlement, where it stated that if the</p> <p>15 respondents failed to make payments on the</p> <p>16 settlement, that a judgment would be entered</p> <p>17 against Phillip R. Argyropoulos, personally?</p> <p>18 A. Yes.</p> <p>19 Q. And Philip Argyropoulos is your</p> <p>20 husband, correct?</p> <p>21 A. We're separated.</p> <p>22 Q. I see. Why was the settlement --</p> <p>23 why did the settlement have this provision</p> <p>24 for personal -- for a judgment against him,</p> <p>25 personally, rather than against you?</p>	<p style="text-align: right;">Page 12</p> <p>1</p> <p>2 deposition, your attorney may be making</p> <p>3 certain objections, as he just did, such as</p> <p>4 objection to form. Unless instructed not to</p> <p>5 answer, do you understand that you are still</p> <p>6 required to answer the question?</p> <p>7 A. Yes.</p> <p>8 Q. And for the court reporter, and for</p> <p>9 the record, do you understand that you should</p> <p>10 please orally answer, not nod, or say things,</p> <p>11 like, "uh-huh"?</p> <p>12 A. Yes. I may do that, though, by</p> <p>13 accident.</p> <p>14 Q. That's all right. If you forget,</p> <p>15 that's totally fine. How old are you?</p> <p>16 A. Fifty-four.</p> <p>17 Q. And where do you currently reside?</p> <p>18 MR. GOODMAN: No street</p> <p>19 address. Just where, generally.</p> <p>20 A. Nassau County.</p> <p>21 Q. What steps did you take in</p> <p>22 preparation for your deposition today?</p> <p>23 A. I spoke to my attorneys.</p> <p>24 Q. And when you say your "attorneys,"</p> <p>25 are you referring to Mr. Goodman and Mr.</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
13-16

Page 13	Page 15
<p>1 2 Selvey? 3 A. Yes. 4 Q. Did you speak with anyone else, in 5 preparation for your deposition today? 6 A. I did. I spoke to -- 7 MR. GOODMAN: Just wait for 8 the question. 9 Q. Please, go ahead. 10 Who did you speak with? 11 A. Stavros. 12 Q. Anyone else? 13 A. Vena. 14 Q. And who is that? What is that 15 person's full name? 16 A. Vena Singh. 17 Q. Okay, who is Vena Singh? 18 A. My BDC manager. 19 MR. GOODMAN: By counsel, 20 it's Bibi Singh, you may know her 21 as. 22 MS. CATHERINE: Sorry, I 23 couldn't hear that. 24 MR. GOODMAN: You will see 25 her name on documents that you have</p>	<p>1 2 electronic documents, like computer screens. 3 Did you ever review any computer 4 screens for electronic documents about Farah 5 Jean Francois, prior to your preparation for 6 this deposition? 7 A. Yes. 8 Q. And was that the screens on 9 Dealertrack? 10 A. No. 11 Q. Could you explain to me what you 12 reviewed? 13 A. The document -- when the lawsuit 14 came in, I reviewed those documents. 15 Q. I see. Do you have a login for 16 Dealertrack? 17 A. Yes. 18 Q. When was the last time you logged 19 into Dealertrack? 20 A. A few days ago. 21 Q. Do you login to Dealertrack as a 22 regular part of conducting the business of 23 Victory Mitsubishi? 24 A. Yes. 25 Q. And do you ever pull credit reports</p>
Page 14	Page 16
<p>1 2 exchanged as Bibi, B-I-B-I, Singh. 3 MS. CATHERINE: Okay. 4 Q. And when did you speak to 5 Ms. Singh? 6 A. This week. 7 Q. When did you speak to Stavros? 8 A. This week as well. 9 Q. What documents have you reviewed, 10 in preparation for this deposition? 11 A. What documents? The CBC documents. 12 Q. Okay. Anything else? 13 A. The reviews. 14 Q. Okay. What is your understanding 15 of what this lawsuit is about? 16 MR. GOODMAN: Object to 17 form. 18 A. I'm understanding that the customer 19 is saying that she was not present for the 20 loan. 21 Q. And prior to your preparation for 22 the deposition in this case, had you reviewed 23 documents about Farah Jean Francois? 24 A. No. 25 Q. And by "documents," I also mean</p>	<p>1 2 in Dealertrack? 3 A. No. 4 Q. What do you, generally, use 5 Dealertrack for in the ordinary course of 6 your business? 7 A. To receipt -- the money that comes 8 in, to make sure we get all the credit cards. 9 Accounts payable. It's more office side. 10 Q. I see. Some of the prior witnesses 11 have testified about a "back office" at 12 Victory Mitsubishi. Is that the same thing 13 as what you just referenced as "office side"? 14 MR. GOODMAN: Object to 15 form. 16 Go ahead. 17 A. I am not understanding about the 18 "back office." 19 Q. Sure, that's okay. I'm not either. 20 That's why I was asking. But that's okay. 21 Have you searched for e-mails 22 related to Farah Jean Francois? 23 A. No. 24 Q. Okay. Do you ever use a personal 25 e-mail address to conduct business at Victory</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
17-20

Page 17

1  
2 Mitsubishi?  
3 A. I do, yes.  
4 Q. And what is that e-mail address?  
5 A. Diane@VictoryMitsubishi.com.  
6 Q. Do you use any other e-mail  
7 addresses to conduct business at Victory  
8 Mitsubishi?  
9 A. No.  
10 Q. Do you ever use any messaging apps,  
11 like WhatsApp or Signal to conduct business  
12 at Victory Mitsubishi?  
13 A. No.  
14 Q. Do you ever use your personal cell  
15 phone to conduct business at Victory  
16 Mitsubishi?  
17 A. Can you rephrase that question?  
18 Q. Sure. Let me -- how -- when you  
19 need to make phone calls in the ordinary  
20 course of your business at Victory  
21 Mitsubishi, what phone do you use?  
22 A. The business phone.  
23 Q. Do you ever use a personal cell  
24 phone?  
25 MR. GOODMAN: Objection.

Page 18

1  
2 Q. For that purpose.  
3 A. Yes, if I am not at work.  
4 Q. Okay. And what is your cell phone  
5 number?  
6 MR. GOODMAN: Okay,  
7 objection. We can leave a blank in  
8 the transcript and put it in,  
9 please.  
10 MS. CATHERINE: Okay.  
11 TO BE FURNISHED: \_\_\_\_\_  
12 \_\_\_\_\_  
13 Q. Did you graduate from high school?  
14 A. Yes.  
15 Q. Where did you go to high school?  
16 A. Fort Hamilton.  
17 Q. When did you graduate?  
18 A. Oh, boy.  
19 Q. Approximately.  
20 A. In the eighties.  
21 Q. Okay.  
22 A. Goodness, I haven't thought of  
23 that.  
24 Q. Did you go to any school after high  
25 school?

Page 19

1  
2 A. Yes.  
3 Q. And what was that?  
4 A. Saint Francis College.  
5 Q. And when did you graduate from  
6 Saint Francis College?  
7 A. '92, '93.  
8 Q. And what was your degree in?  
9 A. Business.  
10 Q. Did you have any schooling, after  
11 graduating from Saint Francis?  
12 A. No.  
13 Q. What did you do for employment,  
14 after graduating from Saint Francis?  
15 A. I worked at a family business.  
16 Q. An what was the nature of that  
17 business?  
18 A. A restaurant.  
19 Q. And how long did you do that for?  
20 A. Five years.  
21 Q. Okay. When did you marry Phillip  
22 Argyropoulos?  
23 A. 1993.  
24 Q. And when did you first meet Chris  
25 Orsaris?

Page 20

1  
2 A. 2016.  
3 Q. Okay. And how did you meet?  
4 A. Mutual friend.  
5 Q. And what was the nature of your  
6 meeting; was it social or business?  
7 A. Social.  
8 Q. And when did you first meet Stavros  
9 Orsaris?  
10 A. 2016, as well.  
11 Q. Okay. And do you know Chris  
12 Orsaris, Junior?  
13 A. Yes.  
14 Q. When did you meet Chris Orsaris,  
15 Junior?  
16 A. Last year. Last -- either last  
17 year or two years ago. I don't remember.  
18 Q. Okay. Does Chris Orsaris ever  
19 refer to himself as "Chris Orsaris, Senior,"  
20 or is he just "Chris Orsaris," and his son is  
21 "Chris Orsaris, Junior"?  
22 A. I have never noticed.  
23 Q. Okay.  
24 A. I am not sure.  
25 Q. That's fine.



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
21-24

Page 21	Page 23
<p>1</p> <p>2 Have you ever met a George Orsaris?</p> <p>3 A. George Orsaris? No, I don't think</p> <p>4 so. No.</p> <p>5 Q. Okay. What about Peter Orsaris?</p> <p>6 A. Yes.</p> <p>7 Q. Sorry, did you say --</p> <p>8 A. Yes.</p> <p>9 Q. -- "yes"? Okay.</p> <p>10 And when did you meet Peter</p> <p>11 Orsaris?</p> <p>12 A. I believe in 2016, '17. Around</p> <p>13 that time.</p> <p>14 Q. Okay. And what about James</p> <p>15 Orsaris?</p> <p>16 A. James is his -- who's that?</p> <p>17 Q. If you don't know, that's fine.</p> <p>18 A. I mean -- okay.</p> <p>19 MR. GOODMAN: If you don't</p> <p>20 know, you don't know.</p> <p>21 A. I am not sure. I don't know.</p> <p>22 Q. That's fine.</p> <p>23 Have you ever met anyone named</p> <p>24 James Orsaris?</p> <p>25 A. No. Not James but...</p>	<p>1 form.</p> <p>2 A. Yes.</p> <p>3 Q. What is the nature of your</p> <p>4 relationship to that dealership?</p> <p>5 A. I am a partner.</p> <p>6 Q. And who is your partner for that</p> <p>7 dealership?</p> <p>8 MR. GOODMAN: You can</p> <p>9 answer.</p> <p>10 A. Stavros Orsaris and John Kekis.</p> <p>11 Q. What is Dream Car Gallery?</p> <p>12 A. A dealership.</p> <p>13 Q. And do you have any relationship to</p> <p>14 that dealership?</p> <p>15 A. No.</p> <p>16 Q. Do you know who owns and operates</p> <p>17 that dealership?</p> <p>18 A. No.</p> <p>19 Q. So how did you first get involved</p> <p>20 in the business of auto dealerships?</p> <p>21 A. My husband opened it up in 2005 as</p> <p>22 an investor, as a silent partner.</p> <p>23 Q. And when you say, "opened it up,"</p> <p>24 what are you referring to, specifically?</p> <p>25</p>
Page 22	Page 24
<p>1</p> <p>2 Q. And I apologize because I am</p> <p>3 probably going to butcher the pronunciation</p> <p>4 for this one, but have you ever met Elfaria</p> <p>5 Orsaris?</p> <p>6 A. Elfaria? I don't know that name,</p> <p>7 Elfaria.</p> <p>8 Q. Okay.</p> <p>9 A. No.</p> <p>10 Q. And do you have any children?</p> <p>11 A. Yes.</p> <p>12 Q. Do any of your children work at</p> <p>13 Victory Mitsubishi?</p> <p>14 A. No.</p> <p>15 Q. What is CPMW Consultants,</p> <p>16 Incorporated?</p> <p>17 A. Don't know.</p> <p>18 Q. Okay. What is PSCA Management,</p> <p>19 LLC?</p> <p>20 A. Don't know.</p> <p>21 Q. Okay. What is Victory Cars East?</p> <p>22 A. A dealership in Huntington.</p> <p>23 Q. Do you have any relationship to</p> <p>24 that dealership?</p> <p>25 MR. GOODMAN: Object to</p>	<p>1</p> <p>2 A. With the partner.</p> <p>3 Q. Let me rephrase.</p> <p>4 A. Okay.</p> <p>5 Q. What dealership was opened up?</p> <p>6 A. Victory Auto Group.</p> <p>7 Q. Okay. And where was it operating</p> <p>8 at that time?</p> <p>9 A. 4101 Boston Road, Bronx, New York.</p> <p>10 Q. And when did you start working at</p> <p>11 that dealership?</p> <p>12 MR. GOODMAN: Object to</p> <p>13 form.</p> <p>14 Go ahead.</p> <p>15 A. October of 2008.</p> <p>16 Q. And what were you doing at that</p> <p>17 time, at the dealership?</p> <p>18 A. Learning the business.</p> <p>19 Q. Were you receiving a salary at that</p> <p>20 time?</p> <p>21 A. I don't recall. I don't think so.</p> <p>22 Q. Okay. And about how long were you</p> <p>23 in this period of learning the business?</p> <p>24 A. I don't recall the accurate time</p> <p>25 frame.</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
25-28

Page 25	Page 27
<p>1</p> <p>2 Q. That's okay. If you -- do you have</p> <p>3 a general time frame sense; a few years, five</p> <p>4 years, ten years?</p> <p>5 A. I want to say, five years.</p> <p>6 Q. Okay. And after that period, what</p> <p>7 did you do at the dealership?</p> <p>8 A. I -- let's see. I do payables,</p> <p>9 make sure we collect all deposits, I do</p> <p>10 payroll, I pay all the bills.</p> <p>11 Q. And is that still the nature of</p> <p>12 your work today?</p> <p>13 A. Yes.</p> <p>14 Q. And do you have a title?</p> <p>15 MR. GOODMAN: Today or --</p> <p>16 object to form. Time frame.</p> <p>17 Q. Sorry, go ahead.</p> <p>18 A. For which time frame?</p> <p>19 Q. What was your title once you</p> <p>20 started doing this accounts payable-type</p> <p>21 work?</p> <p>22 A. In what year?</p> <p>23 Q. Well, why don't you tell me.</p> <p>24 What year did you start doing this?</p> <p>25 A. 2008.</p>	<p>1</p> <p>2 right.</p> <p>3 Q. Have you ever been arrested?</p> <p>4 A. No.</p> <p>5 MR. GOODMAN: Object to</p> <p>6 form. Go ahead.</p> <p>7 Q. Has anyone ever made a complaint</p> <p>8 against Victory Mitsubishi that they were</p> <p>9 defrauded by Victory Mitsubishi?</p> <p>10 MR. GOODMAN: Object to the</p> <p>11 form.</p> <p>12 A. Anybody made a claim? I don't</p> <p>13 recall.</p> <p>14 Q. Has any consumer ever alleged that</p> <p>15 Victory Mitsubishi deceived them or treated</p> <p>16 them unfairly in the sale or financing of a</p> <p>17 vehicle?</p> <p>18 MR. GOODMAN: Object to the</p> <p>19 form; go ahead.</p> <p>20 A. In the Etch product.</p> <p>21 Q. Okay. Any other instances, besides</p> <p>22 that one?</p> <p>23 A. I don't recall any other ones.</p> <p>24 Q. And when did you start working at</p> <p>25 Victory Mitsubishi?</p>
Page 26	Page 28
<p>1</p> <p>2 Q. All right. What was your title at</p> <p>3 that time?</p> <p>4 A. Accounts payable.</p> <p>5 Q. Okay. And what is your -- what was</p> <p>6 your title in 2020?</p> <p>7 A. Owner.</p> <p>8 Q. And what's your title today?</p> <p>9 A. Owner.</p> <p>10 Q. Have you ever had any other titles,</p> <p>11 besides accounts payable and owner?</p> <p>12 A. People refer to me as different</p> <p>13 things, as an office manager or -- at the end</p> <p>14 the day, it's all the same. So you can say,</p> <p>15 "office manager."</p> <p>16 Q. Okay. Have you ever worked for any</p> <p>17 other dealerships, besides Victory Auto</p> <p>18 Group?</p> <p>19 A. No. I need to take that back.</p> <p>20 Q. That's fine.</p> <p>21 A. Yeah, sorry. And Victory</p> <p>22 Mitsubishi.</p> <p>23 MR. GOODMAN: And currently?</p> <p>24 THE WITNESS: Victory</p> <p>25 Mitsubishi. Spartan Auto Group,</p>	<p>1</p> <p>2 A. 2018.</p> <p>3 Q. Okay. And was that at the opening</p> <p>4 of Victory Mitsubishi?</p> <p>5 A. Yes.</p> <p>6 Q. And who made the decision to open</p> <p>7 Victory Mitsubishi?</p> <p>8 MR. GOODMAN: Object to</p> <p>9 form.</p> <p>10 A. I did.</p> <p>11 Q. And why did you decide to open</p> <p>12 Victory Mitsubishi?</p> <p>13 A. I wanted a new car franchise at</p> <p>14 that location.</p> <p>15 Q. And around the same time Victory</p> <p>16 Auto Group was closed, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And why was Victory Auto Group</p> <p>19 closed?</p> <p>20 A. Because when you open a new car</p> <p>21 franchise, you have to assume one name. So I</p> <p>22 had to close that name to replace it with</p> <p>23 Victory Mitsubishi.</p> <p>24 Q. Okay. And were the employees at</p> <p>25 Victory Mitsubishi the same as the employees</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
29-32

Page 29

1  
2 at Victory Auto Group?  
3 MR. GOODMAN: Object to  
4 form.  
5 A. Some were, yes.  
6 Q. And Stavros Orsaris was an employee  
7 at both, correct?  
8 A. Yes.  
9 Q. And was David Perez an employee at  
10 both?  
11 A. I don't remember if he was with  
12 Victory Auto Group.  
13 Q. Okay.  
14 A. But he was with Victory Mitsubishi.  
15 Q. Was Yessica Vallejo an employee at  
16 both?  
17 A. I don't remember if she was for  
18 Victory Auto Group.  
19 Q. Okay. Prior to you assuming the  
20 title of owner, you testified you had a title  
21 of accounts payable; is that right?  
22 Something like that?  
23 A. Something like that. Office  
24 manager, uh-huh.  
25 Q. Okay. Did you apply for that

Page 30

1  
2 position?  
3 A. Did I?  
4 MR. GOODMAN: Object to  
5 form; go ahead.  
6 A. I didn't apply. My husband told me  
7 we need to take over the business, and I went  
8 to work. So not really, no.  
9 Q. Okay. Why did -- why did you need  
10 to take over the business?  
11 MR. GOODMAN: Object to  
12 form.  
13 A. My previous partner was stealing  
14 from the company.  
15 Q. What was that partner's name?  
16 A. Nick. I don't recall his last  
17 name.  
18 Q. Okay. And when did you find out  
19 that he was stealing from the company?  
20 A. The summer of 2008.  
21 Q. Were there ever criminal charges  
22 pressed against him?  
23 A. I am not sure.  
24 Q. Okay. What training have you  
25 received in -- for running an auto

Page 31

1  
2 dealership?  
3 A. Can you rephrase that question?  
4 Q. Sure. What trainings have you  
5 received to do your work at Victory  
6 Mitsubishi?  
7 A. Dealertrack training on the  
8 accounting side, compliance training. That's  
9 it.  
10 Q. Okay. Who put on the compliance  
11 training?  
12 A. Dealertrack.  
13 Q. And what subjects were covered in  
14 the compliance training?  
15 A. Security...so many years ago.  
16 Security to make sure you are logged in when  
17 you are on the DMS system, that it allows you  
18 only a few minutes, if you don't login, it  
19 turns it off for security purposes to make  
20 sure documents are filed securely away, deal  
21 jackets are locked up, and no one has access  
22 to peoples personal information, payroll  
23 records, things like that.  
24 Q. And when did you receive this  
25 training?

Page 32

1  
2 A. Maybe ten years ago. It's been a  
3 long time.  
4 Q. Did that training include training  
5 as to compliance with the Fair Credit  
6 Reporting Act?  
7 A. No. Not with me.  
8 Q. Okay. Did that training cover  
9 anything in regards to credit reporting?  
10 A. Not with me.  
11 Q. I know that you said the opening of  
12 Victory Mitsubishi coincided with the closing  
13 of Victory Auto Group, but Victory Auto  
14 Group, in fact, still exists; is that  
15 correct?  
16 A. Victory Auto Group does not exist,  
17 no.  
18 Q. Let's look at Exhibit 36, which is  
19 Bates-stamped Francois 1001 to 1013.  
20 MR. GOODMAN: What is it,  
21 Emma, just the subject matter of  
22 the pages?  
23 MS. CATHERINE: This is the  
24 56.1 statement in the Nelson/Diane  
25 Argyropoulos, et al. case.



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
33-36

Page 33	Page 35
<p>1</p> <p>2 MR. GOODMAN: Okay. You</p> <p>3 will have to give me a minute here.</p> <p>4 That's another one we don't have on</p> <p>5 the table here, so I will have to</p> <p>6 go out and get it, if necessary.</p> <p>7 MS. CATERINE: Yeah, I think</p> <p>8 we need to get that. We should</p> <p>9 have that one in front of her for</p> <p>10 these questions.</p> <p>11 MR. GOODMAN: Okay, no</p> <p>12 problem. Give me a couple -- it</p> <p>13 will take three or four minutes.</p> <p>14 MS. CATERINE: Okay, that's</p> <p>15 fine.</p> <p>16 THE WITNESS: Can I take a</p> <p>17 break?</p> <p>18 MS. CATERINE: Yeah.</p> <p>19 (Whereupon, a recess was</p> <p>20 taken at this time.)</p> <p>21 BY MS. CATERINE:</p> <p>22 Q. Before we get to the document,</p> <p>23 actually, a few follow-up questions.</p> <p>24 Who is your cell phone provider,</p> <p>25 Ms. Argyropoulos?</p>	<p>1</p> <p>2 to its filing?</p> <p>3 A. Yes.</p> <p>4 Q. And do you verify that everything</p> <p>5 in this document is true, to the best of your</p> <p>6 knowledge?</p> <p>7 A. No. Not true.</p> <p>8 Q. Why not?</p> <p>9 A. The first one is not true.</p> <p>10 Q. And you're referring to the first</p> <p>11 paragraph?</p> <p>12 A. Yes.</p> <p>13 Q. And how is that statement not true?</p> <p>14 A. Phillip Argyropoulos does not work</p> <p>15 for the office -- for the dealership.</p> <p>16 MR. GOODMAN: Are you</p> <p>17 talking about paragraph one or</p> <p>18 paragraph --</p> <p>19 THE WITNESS: Oh, paragraph</p> <p>20 one.</p> <p>21 Q. Oh, you are referring to the</p> <p>22 unnumbered paragraph?</p> <p>23 A. Yeah. Yes.</p> <p>24 Q. Okay. And if you go down below the</p> <p>25 header that says, "Background," there's a</p>
Page 34	Page 36
<p>1</p> <p>2 A. AT&amp;T.</p> <p>3 Q. And was that your cell phone</p> <p>4 provider in 2020?</p> <p>5 A. I believe so.</p> <p>6 Q. Have you searched your cell phone</p> <p>7 for calls or text messages, in regards to</p> <p>8 this case?</p> <p>9 A. No.</p> <p>10 Q. Have you searched your cell phone</p> <p>11 for calls or text messages on or around May</p> <p>12 30, 2020?</p> <p>13 A. Not understanding the question.</p> <p>14 Regarding?</p> <p>15 Q. Regarding this case.</p> <p>16 A. No.</p> <p>17 Q. Have you used your cell phone to</p> <p>18 conduct business related to Farah Jean</p> <p>19 Francois or the vehicle in this case?</p> <p>20 A. No.</p> <p>21 Q. Okay. Now, let's look at Exhibit</p> <p>22 36, Bates-stamped Francois 1001 to 1013.</p> <p>23 What is this document?</p> <p>24 A. The Nelson case.</p> <p>25 Q. Did you review this document, prior</p>	<p>1</p> <p>2 paragraph numbered number 1.</p> <p>3 A. Yes.</p> <p>4 Q. It says, "Defendant Victory Auto</p> <p>5 Group, LLC, Spartan Auto Group, LLC, Victory</p> <p>6 Mitsubishi collectively operate a new car</p> <p>7 lease dealership at the address 4070 Boston</p> <p>8 Road, Bronx, New York."</p> <p>9 A. Which is not --</p> <p>10 MR. GOODMAN: Let her finish</p> <p>11 the --</p> <p>12 THE WITNESS: Sorry, I made</p> <p>13 a mistake.</p> <p>14 Q. -- "in which plaintiff admits to in</p> <p>15 his EEOC charge." Is that statement</p> <p>16 accurate?</p> <p>17 A. No.</p> <p>18 Q. How is it inaccurate?</p> <p>19 A. Victory Auto Group, LLC was not</p> <p>20 operating as a new car dealership.</p> <p>21 Q. Was it operating at that time?</p> <p>22 MR. GOODMAN: Which "time"?</p> <p>23 Object to form.</p> <p>24 A. What time frame?</p> <p>25 Q. This would be November 13, 2020.</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

37-40

Page 37	Page 39
<p>1</p> <p>2 A. It was not.</p> <p>3 Q. And if you could go down to go to</p> <p>4 the next page, paragraph numbered number two,</p> <p>5 it says, "The Defendants, Diane Argyropoulos,</p> <p>6 Phillip Argyropoulos, Chris Orsaris, Alex</p> <p>7 Letice -- I apologize if I am mispronouncing</p> <p>8 that -- "all individuals who either own</p> <p>9 and/or work with the corporate defendants and</p> <p>10 have all appeared in this lawsuit."</p> <p>11 Is that statement accurate?</p> <p>12 A. No.</p> <p>13 Q. How is that statement inaccurate?</p> <p>14 A. Phillip Argyropoulos did not work</p> <p>15 or own the company.</p> <p>16 Q. When you say, "the company," which</p> <p>17 company are you referring to?</p> <p>18 A. Spartan Auto Group.</p> <p>19 Q. Okay. Is there anything else</p> <p>20 inaccurate about that statement?</p> <p>21 A. Chris Orsaris and Alex Letice are</p> <p>22 not owners of the company.</p> <p>23 Q. Okay. What does Chris Orsaris do</p> <p>24 at Spartan Auto Group?</p> <p>25 MR. GOODMAN: Object to the</p>	<p>1</p> <p>2 MS. CATHERINE: Yes.</p> <p>3 MR. GOODMAN: Okay, we have</p> <p>4 it.</p> <p>5 Q. What is this document?</p> <p>6 THE WITNESS: This one.</p> <p>7 MR. GOODMAN: Yeah.</p> <p>8 A. This is documents applying to use</p> <p>9 Credit Bureau Connection to run credit. It's</p> <p>10 an agreement.</p> <p>11 Q. And how did you learn of Credit</p> <p>12 Bureau Connection and the services they</p> <p>13 provide?</p> <p>14 A. I don't recall how I learned about</p> <p>15 them individually. I don't know.</p> <p>16 Q. Is it just something that you</p> <p>17 picked up in -- when -- in learning the</p> <p>18 business between 2008 and 2018?</p> <p>19 A. Yes, it was one of the companies</p> <p>20 that was mentioned that was good.</p> <p>21 Q. Okay. And what does Credit Bureau</p> <p>22 Connection do?</p> <p>23 MR. GOODMAN: Object to</p> <p>24 form.</p> <p>25 Q. For auto dealerships, specifically.</p>
Page 38	Page 40
<p>1</p> <p>2 form. Also, time frame.</p> <p>3 Q. In 2020.</p> <p>4 A. Buying vehicles.</p> <p>5 Q. Okay. And who is Alex Letice?</p> <p>6 A. A salesperson.</p> <p>7 Q. Okay. I know that you said that</p> <p>8 the paragraph numbered one was not accurate.</p> <p>9 As of November 2020, was there ever</p> <p>10 a time in which the dealership was</p> <p>11 collectively operated by Victory Auto Group</p> <p>12 and Spartan Auto Group?</p> <p>13 MR. GOODMAN: Object to the</p> <p>14 form.</p> <p>15 A. Time frame?</p> <p>16 MR. GOODMAN: Ever.</p> <p>17 THE WITNESS: Ever?</p> <p>18 Q. Ever.</p> <p>19 MR. GOODMAN: Collectively.</p> <p>20 A. No.</p> <p>21 Q. Okay. Let's take a look at Exhibit</p> <p>22 40, what was previously marked as Exhibit 40.</p> <p>23 Defendant's 93 to 112.</p> <p>24 MR. GOODMAN: That one is</p> <p>25 the CBC?</p>	<p>1</p> <p>2 A. Run credit for customers.</p> <p>3 Q. Did you fill out this document?</p> <p>4 A. Yes.</p> <p>5 Q. Why was this document filled out by</p> <p>6 you, rather than someone at Victory</p> <p>7 Mitsubishi who works with credit reports,</p> <p>8 such as a finance manager?</p> <p>9 MR. GOODMAN: Object to the</p> <p>10 form.</p> <p>11 A. It has to be the owner filling it</p> <p>12 out.</p> <p>13 Q. I see.</p> <p>14 A. It's an agreement.</p> <p>15 Q. The estimate of "monthly inquiries"</p> <p>16 here is "1,000." Do you see that on the</p> <p>17 first page?</p> <p>18 A. Yes.</p> <p>19 Q. Is that accurate?</p> <p>20 MR. GOODMAN: Object to</p> <p>21 form.</p> <p>22 A. It's an average.</p> <p>23 Q. Okay. And the agreement says here</p> <p>24 that, "credit information will be used to,</p> <p>25 quote, 'evaluate the credit of customers for</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
41-44

Page 41	Page 43
<p>1 2 consumer loans or lease,' end quote." 3 How does that work? 4 A. It's -- it runs the customer's 5 credit and it -- to see if a customer is able 6 to purchase a vehicle, if they have the 7 credit. It's all computerized. 8 Q. Who at Victory Mitsubishi runs the 9 credit of consumers? 10 MR. GOODMAN: Object to 11 form; time frame. 12 A. Time frame? 13 Q. In 2020. 14 A. There was a few of the managers. I 15 don't recall which managers were there at the 16 time. I could name the couple that I do 17 know. 18 Q. Okay, go ahead, please. 19 A. Stavros Orsaris, Yessica Vallejo, 20 Joe Grabino. I don't recall everybody at 21 that time. 22 Q. That's okay. Were sales associates 23 allowed to run consumers credits? 24 A. No. 25 Q. Was anyone else, besides managers,</p>	<p>1 2 A. Can you rephrase the question? 3 Q. Sure. So in this agreement between 4 Victory Mitsubishi and CBC, your Victory 5 Mitsubishi, is agreeing to do things, in 6 return for receiving the services of CBC; is 7 that accurate? 8 A. Yes. 9 Q. And who determines how to comply 10 with this agreement at Victory Mitsubishi? 11 MR. GOODMAN: Object to 12 form; go ahead. 13 A. Stavros. 14 Q. Okay. Do you make any decisions, 15 in terms of complying with this agreement, at 16 Victory Mitsubishi? 17 A. Can you rephrase the question? 18 Q. Sure. So you say, Stavros makes 19 decisions. Does he consult with you about 20 those decisions? 21 A. Meaning, during the time or to 22 understand the policy of CBC? I am still not 23 understanding. 24 Q. Sure, let me be very -- 25 A. Yes.</p>
Page 42	Page 44
<p>1 2 allowed to run a consumer's credit? 3 A. No. 4 Q. Turning to the page marked 5 Defendant's 94, and the third bullet point, 6 it says at the end that Victory Mitsubishi, 7 quote, "Will obtain the consumer's written 8 authorization to request such information 9 relating to that consumer," end quote. 10 Referring to credit reports, "How does 11 Victory Mitsubishi obtain written 12 authorization"? 13 MR. GOODMAN: Object to form 14 time frame. 15 Q. In 2020. 16 A. There's an application the customer 17 fills out, signs it, and gives it to a 18 manager to run the credit. 19 Q. Who created that application form? 20 A. I don't recall. 21 Q. And who creates the policies, 22 generally, to comply with this agreement 23 between Victory Mitsubishi and CBC? 24 MR. GOODMAN: Object to the 25 form; go ahead.</p>	<p>1 2 Q. Let me just try to be as direct 3 here as I can. 4 Were you involved, in 2020, with 5 establishing policies and procedures at 6 Victory Mitsubishi for credit reporting? 7 MR. GOODMAN: Object to the 8 form; go ahead. 9 A. I explained to Stavros how it has 10 to be handled and the regulations on it. 11 That was my only involvement with that. 12 Q. Okay. What do employees at Victory 13 Mitsubishi have to do, prior to pulling a 14 credit report for a consumer? 15 MR. GOODMAN: Object to the 16 form. 17 Q. In 2020. 18 A. The customer has to have an 19 application and proof of ID. 20 Q. And who is that presented to? 21 A. To one of the managers. 22 Q. An employees have to login to 23 Dealertrack, in order to pull a credit 24 report; is that correct? 25 A. Yes.</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
45-48

<p style="text-align: right;">Page 45</p> <p>1</p> <p>2 Q. Do sales associates or -- excuse</p> <p>3 me. Are sales associates able to log into</p> <p>4 Dealertrack?</p> <p>5 A. No.</p> <p>6 Q. Who at Victory Mitsubishi -- not</p> <p>7 names, but rather titles -- are able to log</p> <p>8 into Dealertrack?</p> <p>9 A. Managers and finance managers.</p> <p>10 Q. And how many managers and finance</p> <p>11 managers were there at Victory Mitsubishi in</p> <p>12 2020?</p> <p>13 A. That's hard for me to answer that</p> <p>14 because it was during COVID, and there was a</p> <p>15 lot of regulations. So we had different</p> <p>16 sales crew at the time. So I would say,</p> <p>17 maybe, at that time, three or four people.</p> <p>18 Q. Okay. Is Chris Orsaris a manager?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form.</p> <p>21 A. No.</p> <p>22 Q. Does Chris Orsaris have a login for</p> <p>23 Dealertrack?</p> <p>24 MR. GOODMAN: Object to</p> <p>25 form. Time frame.</p>	<p style="text-align: right;">Page 47</p> <p>1</p> <p>2 there any other way that credit reports are</p> <p>3 pulled at Victory Mitsubishi?</p> <p>4 A. No.</p> <p>5 Q. Are you familiar with a program</p> <p>6 called T-A-L-X?</p> <p>7 A. No.</p> <p>8 Q. How is income information verified</p> <p>9 at Victory Mitsubishi?</p> <p>10 A. I don't work the floor. I don't</p> <p>11 know.</p> <p>12 Q. Okay. If you turn to Defendant's</p> <p>13 96 on Exhibit 40.</p> <p>14 THE WITNESS:</p> <p>15 This one?</p> <p>16 MR. GOODMAN: Yeah, yes.</p> <p>17 Q. There's a signature at the bottom</p> <p>18 of someone named David Daniel who's listed as</p> <p>19 a "compliance manager."</p> <p>20 Who is David Daniel?</p> <p>21 A. He worked for Credit Bureau</p> <p>22 Connection.</p> <p>23 Q. And when was the last time you</p> <p>24 spoke to David Daniel?</p> <p>25 A. Couple of years ago. I am assuming</p>
<p style="text-align: right;">Page 46</p> <p>1</p> <p>2 A. Time frame?</p> <p>3 Q. 2020.</p> <p>4 A. I believe he does because he is the</p> <p>5 buyer, and that's -- he has to check the</p> <p>6 inventory.</p> <p>7 Q. Are credit reports ever pulled at</p> <p>8 Victory Mitsubishi with software, other than</p> <p>9 Dealertrack?</p> <p>10 A. What kind -- can you rephrase the</p> <p>11 question?</p> <p>12 Q. Sure. So you testified that</p> <p>13 Dealertrack is used to pull credit reports.</p> <p>14 A. Yes.</p> <p>15 Q. Is there any other way to pull</p> <p>16 credit reports at Victory Mitsubishi, besides</p> <p>17 Dealertrack?</p> <p>18 A. Yes, there is.</p> <p>19 Q. And what is that method?</p> <p>20 A. A customer could apply online.</p> <p>21 There's everything -- it's a soft pool,</p> <p>22 actually, so it does not effect their credit.</p> <p>23 And there's all the documents that they would</p> <p>24 have to fill out electronically and sign.</p> <p>25 Q. Okay. Besides the soft pull, is</p>	<p style="text-align: right;">Page 48</p> <p>1</p> <p>2 when I signed these documents.</p> <p>3 Q. Okay. Let's go to Exhibit 41,</p> <p>4 please, Bates-stamped Defendant's 73 to 82.</p> <p>5 MR. GOODMAN: We got it.</p> <p>6 Q. Okay, what is that document?</p> <p>7 A. Capital One dealer agreement.</p> <p>8 Q. And did you fill out this</p> <p>9 agreement?</p> <p>10 A. I don't -- I don't recall filling</p> <p>11 this out, no.</p> <p>12 Q. If you can turn to the page marked</p> <p>13 Defendant's 75. At the bottom, there's a</p> <p>14 signature line which says, "initial here,"</p> <p>15 and then there are initials.</p> <p>16 Are those your initials?</p> <p>17 A. Yes.</p> <p>18 Q. Based on that, do you believe that</p> <p>19 you filled out this document?</p> <p>20 MR. GOODMAN: Object to</p> <p>21 form.</p> <p>22 Q. Sorry? Excuse me?</p> <p>23 A. I signed the document.</p> <p>24 Q. Okay. Let's go back to the first</p> <p>25 page of the document, please. There's</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
49-52

Page 49	Page 51
<p>1 2 something here which says, "floor plan 3 provider," and it's filled in with "AFC." 4 What does that mean? 5 A. That's who owns the vehicles. It's 6 a bank. 7 Q. I see. Do you know what "AFC" 8 stands for? 9 A. I don't remember. 10 Q. Okay. And under "contacts," we 11 have Chris Orsaris listed as "general 12 manager" and "general sales manager." 13 Why is Chris Orsaris listed here as 14 both "general manager" and "general sales 15 manager"? 16 MR. GOODMAN: Object to the 17 form. 18 A. He is the one who had the 19 relationship with Capital One Bank for us to 20 get the bank. 21 Q. I see. When you say, "he was the 22 one with the relationship with Capital One 23 Bank," was that based on his prior auto 24 dealership experience? 25 MR. GOODMAN: Object to the</p>	<p>1 2 A. Last week. 3 Q. And in that conversation last week, 4 was anything discussed about this case, Farah 5 Jean Francois, or the vehicle? 6 A. No. 7 Q. How regularly do you speak with 8 Mr. McGhee? 9 A. Can't really say. Whenever he 10 stops by to say hello to me. Maybe once a 11 month, once every two months. 12 Q. And, in general, what's the nature 13 of those conversations? What are they about? 14 A. With me, generally, last week, he 15 just wanted to tell me when he is sending 16 things for Christmas to the employees as a 17 thank you, as a lunch. He does -- yeah, very 18 rarely. He usually goes to the showroom. My 19 office is across the street, though. 20 Q. I see. And then there's someone 21 here listed under "C-O-A-F-R-S-M, Robert 22 Montgomery." Who is Robert Montgomery? 23 A. He worked for Capital One. 24 Q. You testified that you have an 25 office at the 4101 Boston Road address; is</p>
Page 50	Page 52
<p>1 2 form. 3 A. I would say, yes, to that. 4 Q. And under "primary credit," slash 5 "call back contact," there's someone named 6 "Edwin Feables." Who is Edwin Feables? 7 A. He was a finance manager at the 8 time. 9 Q. And Mr. Feables no longer works for 10 Victory Mitsubishi; is that correct? 11 A. Yes. 12 Q. And when did Mr. Feables stop 13 working at Victory Mitsubishi? 14 A. I don't recall the year. 15 Q. And was Mr. Feables fired? 16 A. No. No. 17 Q. And there's someone here listed 18 under C-O-A-F-A-S-M, named "Ken McGhee." 19 Who is Ken McGhee? 20 A. Capital One's bank rep. 21 Q. Okay. Have you ever spoken with 22 Ken McGhee? 23 A. Yes. 24 Q. When was the last time you spoke 25 with Mr. McGhee?</p>	<p>1 2 that correct? 3 A. Yes. 4 Q. Who else has an office at that 5 address? 6 A. My comptroller, bookkeeper, 7 accounts payable, two DMV girls, and customer 8 relations. And then another person who takes 9 pictures of the vehicles. And myself, of 10 course. 11 Q. Does Chris Orsaris have an office 12 at that address? 13 A. No. 14 Q. Does Chris Orsaris have an office 15 at the 4070 Boston Road address? 16 A. No. 17 Q. Where does Chris Orsaris work out 18 of? 19 MR. GOODMAN: Object to 20 form. 21 A. On his computer, I guess, from 22 home. 23 Q. And has he been doing that since 24 the pandemic, or is that just, sort of, 25 always been the way that he has worked?</p>



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
53-56

Page 53	Page 55
<p>1</p> <p>2 A. That's always been the way he</p> <p>3 worked.</p> <p>4 Q. I see. And if you turn to</p> <p>5 Defendant's 77 of the document, you will see</p> <p>6 that Stavros Orsaris is listed as a "managing</p> <p>7 member." Why is Stavros Orsaris listed as a</p> <p>8 "managing member"?</p> <p>9 MR. GOODMAN: Object to</p> <p>10 form.</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. And on the next page, Maria</p> <p>13 -- I apologize if I'm mispronouncing -- Maria</p> <p>14 Sores is listed as "comptroller."</p> <p>15 Is Maria Sores still the</p> <p>16 comptroller at Victory Mitsubishi?</p> <p>17 A. Yes.</p> <p>18 Q. How does the hiring of people work</p> <p>19 at Victory Mitsubishi?</p> <p>20 MR. GOODMAN: Object to the</p> <p>21 form.</p> <p>22 Q. Generally, in 2020.</p> <p>23 MR. GOODMAN: Still object</p> <p>24 to form.</p> <p>25 A. In what department?</p>	<p>1</p> <p>2 Q. Does Phillip Argyropoulos have his</p> <p>3 own office at the 4070 location?</p> <p>4 A. No.</p> <p>5 Q. Victory Mitsubishi is a d/b/a,</p> <p>6 correct?</p> <p>7 A. Correct, yes.</p> <p>8 Q. And besides Spartan Auto Group,</p> <p>9 what other companies has Victory Mitsubishi</p> <p>10 been used as a d/b/a for?</p> <p>11 MR. GOODMAN: Object to the</p> <p>12 form. Go ahead.</p> <p>13 A. Victory Motors.</p> <p>14 Q. And where did Victory Motors</p> <p>15 operate?</p> <p>16 A. Largemont.</p> <p>17 Q. Did Victory Motors operate anywhere</p> <p>18 else, besides Largemont?</p> <p>19 A. No.</p> <p>20 Q. Did Victory Auto Group ever use the</p> <p>21 d/b/a Victory Mitsubishi?</p> <p>22 A. No.</p> <p>23 Q. Who are the current owners of</p> <p>24 Victory Mitsubishi?</p> <p>25 A. I am.</p>
Page 54	Page 56
<p>1</p> <p>2 Q. Well, I guess that, sort of,</p> <p>3 answers the question. Let's talk about that.</p> <p>4 How is that divided, in terms of</p> <p>5 hiring, by department?</p> <p>6 A. Management.</p> <p>7 Q. Okay. And so is hiring for the</p> <p>8 jobs at the 4101 location, and the hiring for</p> <p>9 the 4070 location, are those different?</p> <p>10 A. Yes.</p> <p>11 Q. Who is in charge of the hiring for</p> <p>12 the 4070 location?</p> <p>13 A. Stavros.</p> <p>14 Q. And are you involved in the process</p> <p>15 of hiring people for the 4070 location?</p> <p>16 A. No.</p> <p>17 Q. Is Phillip Argyropoulos involved in</p> <p>18 hiring the people at the 4070 location?</p> <p>19 A. No.</p> <p>20 Q. Is Chris Orsaris involved in hiring</p> <p>21 of people at the 4070 location?</p> <p>22 A. No.</p> <p>23 Q. Do you have your own office at the</p> <p>24 4070 location?</p> <p>25 A. I do not.</p>	<p>1</p> <p>2 Q. Are there any other owners of</p> <p>3 Victory Mitsubishi?</p> <p>4 A. No.</p> <p>5 Q. When Victory Mitsubishi was opened,</p> <p>6 who were the owners?</p> <p>7 A. I was.</p> <p>8 Q. Anyone else?</p> <p>9 A. When it opened? I don't recall.</p> <p>10 Q. How about in May of 2020, were</p> <p>11 there any owners, besides yourself, in May of</p> <p>12 2020?</p> <p>13 A. No.</p> <p>14 Q. Let's take a look at what is going</p> <p>15 to be marked Exhibit 45. This is one of the</p> <p>16 new exhibits I sent this morning. It's</p> <p>17 schedule K-1 forms, Bates-stamped Francois</p> <p>18 3531 to Francois 3538.</p> <p>19 MR. GOODMAN: You should</p> <p>20 have those over there. The K-1s.</p> <p>21 Q. All right, just let me know when</p> <p>22 you have those forms in front of you, please.</p> <p>23 A. I have them.</p> <p>24 Q. Okay. What are these documents?</p> <p>25 A. K-1s.</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

57-60

Page 57	Page 59
<p>1</p> <p>2 Q. Sorry, I couldn't --</p> <p>3 A. K-1. The K-1 forms.</p> <p>4 Q. And who filled out these documents?</p> <p>5 A. The accountant.</p> <p>6 Q. Okay. Was there a different</p> <p>7 accountant for Victory Motors and Victory</p> <p>8 Auto Group, LLC?</p> <p>9 A. At what year?</p> <p>10 Q. Let's start within 2016.</p> <p>11 A. In 2016, no.</p> <p>12 Q. Who fills out the K-1 forms for</p> <p>13 Victory Mitsubishi?</p> <p>14 MR. GOODMAN: Objection;</p> <p>15 form.</p> <p>16 A. The accountant.</p> <p>17 Q. And who is the accountant?</p> <p>18 A. Allan.</p> <p>19 Q. What's the last name?</p> <p>20 A. Digsberg.</p> <p>21 Q. And on the K-1 forms for Victory</p> <p>22 Mitsubishi, are you listed as the partner?</p> <p>23 A. For Victory Mitsubishi?</p> <p>24 Q. Uh-huh.</p> <p>25 A. The owner.</p>	<p>1</p> <p>2 A. To thirty percent. I just don't</p> <p>3 know the year.</p> <p>4 Q. That's fine. Let's go to Exhibit</p> <p>5 28, please.</p> <p>6 MR. GOODMAN: Bates stamps?</p> <p>7 MS. CATHERINE: Bates stamps</p> <p>8 is subpoena responses 463 to 484.</p> <p>9 These are the franchise agreements</p> <p>10 with Mitsubishi.</p> <p>11 THE WITNESS: I have it?</p> <p>12 MR. GOODMAN: Yeah, should</p> <p>13 be there.</p> <p>14 Q. Okay, could you explain to me what</p> <p>15 this document is?</p> <p>16 A. I don't have it in front of me.</p> <p>17 Q. Oh, I'm sorry.</p> <p>18 MR. GOODMAN: That's okay.</p> <p>19 MS. CATHERINE: It has the</p> <p>20 Mitsubishi logo at the top. It's</p> <p>21 titled "Dealer Sales and Service</p> <p>22 Agreement."</p> <p>23 MR. GOODMAN: Okay, so we</p> <p>24 have, starting at 463?</p> <p>25 MS. CATHERINE: Uh-huh.</p>
Page 58	Page 60
<p>1</p> <p>2 Q. The owner.</p> <p>3 A. I don't see any documents here for</p> <p>4 Victory Mitsubishi.</p> <p>5 Q. There aren't any. We don't have</p> <p>6 any, as of yet.</p> <p>7 A. Okay.</p> <p>8 Q. And so for those K-1 documents for</p> <p>9 Victory Mitsubishi, would those show the</p> <p>10 percentage of your ownership?</p> <p>11 A. I am not sure.</p> <p>12 Q. Okay. And returning to the</p> <p>13 documents, actually, in front of you, if you</p> <p>14 turn to the page marked Francois 3535, it</p> <p>15 will be for the year 2016.</p> <p>16 A. Yes.</p> <p>17 Q. And this document appears to list</p> <p>18 your ownership in Victory Auto Group, LLC, as</p> <p>19 "one percent"; is that accurate?</p> <p>20 A. I believe so.</p> <p>21 Q. Okay. And was that your ownership</p> <p>22 in Victory Auto Group, LLC, up until it</p> <p>23 ceased operations?</p> <p>24 A. No.</p> <p>25 Q. How did it change?</p>	<p>1</p> <p>2 MR. GOODMAN: Yeah.</p> <p>3 THE WITNESS: Okay.</p> <p>4 Q. And so what is this document?</p> <p>5 A. It's the dealer agreement with</p> <p>6 Mitsubishi.</p> <p>7 Q. And what is the purpose of this</p> <p>8 agreement with Mitsubishi?</p> <p>9 MR. GOODMAN: Object to</p> <p>10 form.</p> <p>11 A. Ownership.</p> <p>12 Q. Okay.</p> <p>13 A. Of Mitsubishi, the franchise.</p> <p>14 Q. And let's turn to the page</p> <p>15 Bates-stamped subpoena responses 464.</p> <p>16 A. Okay.</p> <p>17 Q. And here it listed your percentage</p> <p>18 of ownership as "thirty percent." Is that</p> <p>19 what you were talking about, in terms of your</p> <p>20 ownership changing to thirty percent?</p> <p>21 A. No. You asked me for Victory Auto</p> <p>22 Group.</p> <p>23 Q. I see. So this is -- this is for</p> <p>24 Spartan Auto Group, correct?</p> <p>25 A. Correct.</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

61-64

Page 61	Page 63
<p>1</p> <p>2 Q. And is this accurate, that you are</p> <p>3 a thirty percent owner in January 30, 2018?</p> <p>4 MR. GOODMAN: Object to</p> <p>5 form; go ahead.</p> <p>6 A. It's accurate. And the reason why</p> <p>7 -- should I explain?</p> <p>8 MR. GOODMAN: Yeah, go</p> <p>9 ahead.</p> <p>10 A. The reason why it was thirty</p> <p>11 percent, Mitsubishi knew I owned Spartan Auto</p> <p>12 Group, that Phillip did not own Spartan Auto</p> <p>13 Group. But to get me to one hundred percent,</p> <p>14 he had to slowly change to thirty percent</p> <p>15 Mitsubishi, so I could be approved as 100</p> <p>16 percent owner of Mitsubishi.</p> <p>17 Q. And I know that you don't work at</p> <p>18 Mitsubishi, but what is your understanding of</p> <p>19 why that was required?</p> <p>20 MR. GOODMAN: Object to the</p> <p>21 form.</p> <p>22 A. There's an -- they have approvals.</p> <p>23 I am not sure, exactly, what it was. We did</p> <p>24 as we were told from Mitsubishi.</p> <p>25 Q. Okay. So this -- this, sort of,</p>	<p>1</p> <p>2 With the closing of Victory Auto</p> <p>3 Group, LLC, is Phillip involved in the auto</p> <p>4 dealership business any longer?</p> <p>5 MR. GOODMAN: Object to</p> <p>6 form; go ahead.</p> <p>7 A. No.</p> <p>8 Q. And why did he cease his</p> <p>9 involvement in auto dealerships?</p> <p>10 MR. GOODMAN: Object to</p> <p>11 form.</p> <p>12 A. He never was involved. He didn't</p> <p>13 work at the dealership.</p> <p>14 Q. Sure. Let me rephrase.</p> <p>15 Why did he cease investing in auto</p> <p>16 dealerships?</p> <p>17 A. Ask him that question.</p> <p>18 Q. Do you have any -- do you have any</p> <p>19 understanding of why he did?</p> <p>20 A. I -- I -- I run day-to-day</p> <p>21 operation. I am there. He is not. He is an</p> <p>22 attorney. So he has no responsibilities of</p> <p>23 it. So I don't know. You should ask him</p> <p>24 that question.</p> <p>25 Q. Okay. And if you turn to the page</p>
Page 62	Page 64
<p>1</p> <p>2 transition of franchise ownership process,</p> <p>3 was something that Victory Mitsubishi had</p> <p>4 recommended to you; is that correct?</p> <p>5 A. Mitsubishi Motors recommended to</p> <p>6 me.</p> <p>7 Q. Oh, sorry. Yes, yes.</p> <p>8 A. Mitsubishi Motors recommended it to</p> <p>9 us, knowing that I only owned Spartan Auto</p> <p>10 Group.</p> <p>11 Q. Okay. And when did Mitsubishi</p> <p>12 Motors recommend this to you?</p> <p>13 A. When we first did our application</p> <p>14 with them. So I believe in 2018, around that</p> <p>15 time.</p> <p>16 Q. Okay. Why was it that you were</p> <p>17 moving towards you operating the franchise</p> <p>18 solely, and Phillip no longer being involved?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form. Lots of objections to form.</p> <p>21 Go ahead.</p> <p>22 A. Because I owned Spartan Auto Group.</p> <p>23 So he had zero interest to that.</p> <p>24 Q. Sure. Sure. Let me rephrase the</p> <p>25 question.</p>	<p>1</p> <p>2 marked subpoena responses 47 --</p> <p>3 A. I got it.</p> <p>4 Q. -- you will notice in the bottom</p> <p>5 left corner, the agreement date is listed as</p> <p>6 "March 1st, 2021." Were there any other</p> <p>7 dealer sales and service agreements between</p> <p>8 January 30, 2018, and March 1st, 2021?</p> <p>9 A. I'm not sure.</p> <p>10 Q. Okay. If there are not any other</p> <p>11 dealership agreements between these two</p> <p>12 agreements, is it reasonable to assume that</p> <p>13 the January 30, 2018, agreement, governed in</p> <p>14 May of 2020?</p> <p>15 MR. GOODMAN: Object to</p> <p>16 form.</p> <p>17 A. I don't know.</p> <p>18 Q. If you could please turn to</p> <p>19 subpoena responses 48.</p> <p>20 A. Okay.</p> <p>21 Q. You will notice in the bottom left</p> <p>22 corner, the agreement date is listed as</p> <p>23 "September 20, 2022." And this agreement in</p> <p>24 September 20, 2022, is the first to list you</p> <p>25 as a 100 percent franchise owner; is that</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
65-68

<p style="text-align: right;">Page 65</p> <p>1</p> <p>2 correct?</p> <p>3 A. It was something that was -- yes,</p> <p>4 but it was something that --</p> <p>5 MR. GOODMAN: Just say,</p> <p>6 "yes."</p> <p>7 THE WITNESS: Yes.</p> <p>8 MR. GOODMAN: Can I see the</p> <p>9 page? Just that page.</p> <p>10 Yeah, okay, go ahead.</p> <p>11 Q. If you can take a look at Exhibit</p> <p>12 38, please, which is Bates-stamped Francois</p> <p>13 3504 to 3514.</p> <p>14 MR. GOODMAN: What is the</p> <p>15 subject?</p> <p>16 MS. CATHERINE: It's the</p> <p>17 Mitsubishi dealer sales and service</p> <p>18 agreement for Victory Motors, LLC.</p> <p>19 MR. GOODMAN: Oh, boy. I</p> <p>20 don't think we have that one out.</p> <p>21 Yeah, that one I will have to</p> <p>22 retrieve. What were the Bates</p> <p>23 stamps?</p> <p>24 MS. CATHERINE: It is</p> <p>25 Francois 3504 to 3514.</p>	<p style="text-align: right;">Page 67</p> <p>1</p> <p>2 Q. In 2020.</p> <p>3 A. In 2020, I was really not going to</p> <p>4 work because of COVID, so I worked remotely.</p> <p>5 Q. Okay. Working remotely. Who would</p> <p>6 you speak with on a day-to-day basis?</p> <p>7 A. Maria Sores and Arifacan.</p> <p>8 Q. How often would you speak to</p> <p>9 Stavros Orsaris at that time?</p> <p>10 A. I would say, once a day.</p> <p>11 Q. Okay. Was there anyone in May of</p> <p>12 2020, working at Victory Mitsubishi, with the</p> <p>13 last name Ventura?</p> <p>14 A. I don't -- I don't recall.</p> <p>15 Q. Okay. How many auto salespeople</p> <p>16 were working at Victory Mitsubishi in May of</p> <p>17 2020?</p> <p>18 MR. GOODMAN: Object to the</p> <p>19 form. You mean -- object to form;</p> <p>20 go ahead.</p> <p>21 A. In what department?</p> <p>22 Q. Sure. Let me rephrase the</p> <p>23 question. How many sales associates were</p> <p>24 working at Victory Mitsubishi in May of 2020?</p> <p>25 A. Just sales? Salespeople?</p>
<p style="text-align: right;">Page 66</p> <p>1</p> <p>2 MR. GOODMAN: Okay, I will</p> <p>3 have to go get that one. You want</p> <p>4 to -- let's take a five-minute</p> <p>5 break, and I will pull it up.</p> <p>6 MS. CATHERINE: Sure, that's</p> <p>7 fine.</p> <p>8 (Whereupon, a recess was</p> <p>9 taken at this time.)</p> <p>10 BY MS. CATHERINE:</p> <p>11 Q. If you could turn to the page</p> <p>12 Bates-stamped Francois 3505.</p> <p>13 And do you see the provision number</p> <p>14 four, "management of dealer"?</p> <p>15 A. Yes.</p> <p>16 Q. Is this provision, essentially, the</p> <p>17 same in the Mitsubishi dealership agreements</p> <p>18 that you are familiar with?</p> <p>19 MR. GOODMAN: Object to the</p> <p>20 form.</p> <p>21 A. I am not sure.</p> <p>22 Q. On a day-to-day basis, who are you</p> <p>23 working with at Victory Mitsubishi?</p> <p>24 MR. GOODMAN: Object to</p> <p>25 form; time frame.</p>	<p style="text-align: right;">Page 68</p> <p>1</p> <p>2 Q. Yes.</p> <p>3 A. Hard for me to answer because of</p> <p>4 the time with COVID. I really don't know. I</p> <p>5 was not present.</p> <p>6 Q. So was it changing a lot at that</p> <p>7 time?</p> <p>8 A. It was not that it was changing.</p> <p>9 It's because of COVID, you know, there was</p> <p>10 rules and regulations, so we had different</p> <p>11 shifts to keep everybody far away from each</p> <p>12 other. So I really don't know because I was</p> <p>13 not there at all.</p> <p>14 Q. And who set that up, the, you know,</p> <p>15 having different employees during different</p> <p>16 shifts for COVID prevention reasons?</p> <p>17 A. Stavros.</p> <p>18 Q. How many managers were there at</p> <p>19 Victory Mitsubishi in sales and financing, in</p> <p>20 May of 2020?</p> <p>21 MR. GOODMAN: Object to</p> <p>22 form.</p> <p>23 A. I don't remember the amount. I</p> <p>24 don't know.</p> <p>25 Q. Okay. Did you receive a salary for</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
69-72

<p style="text-align: right;">Page 69</p> <p>1</p> <p>2 your work at Victory Mitsubishi, in May of</p> <p>3 2020?</p> <p>4 A. I don't -- "salary"? I don't -- I</p> <p>5 believe I did. But not salary. I don't get</p> <p>6 paid salary. So, no, I did not.</p> <p>7 Q. Okay. How does your compensation</p> <p>8 work at Victory Mitsubishi?</p> <p>9 A. I cut myself a check whenever I</p> <p>10 can, but it's not really a salary, just</p> <p>11 ownership.</p> <p>12 Q. Sure. When you say you're -- you</p> <p>13 cut yourself a check, what company is the</p> <p>14 payor for that check?</p> <p>15 A. Rephrase that question.</p> <p>16 Q. Let me just put it this way: When</p> <p>17 you say you "cut" yourself a check, what does</p> <p>18 that mean, practically?</p> <p>19 Who is the payment going from and</p> <p>20 to?</p> <p>21 A. Spartan to me. Spartan Auto Group</p> <p>22 pays me.</p> <p>23 Q. Okay. What is the company payor</p> <p>24 for the paychecks of the employees at Victory</p> <p>25 Mitsubishi?</p>	<p style="text-align: right;">Page 71</p> <p>1</p> <p>2 less, depending on the vehicle. The</p> <p>3 comptroller does -- she's the one who pays</p> <p>4 him.</p> <p>5 Q. Okay. So you previously testified</p> <p>6 that Stavros Orsaris worked at Victory</p> <p>7 Mitsubishi, prior to working at Spartan Auto</p> <p>8 Group, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Would the company that was cutting</p> <p>11 his paycheck have changed at that time when</p> <p>12 he went from working for Victory Auto Group,</p> <p>13 to working at Spartan Auto Group?</p> <p>14 A. I don't know.</p> <p>15 Q. When you were working at Victory</p> <p>16 Auto Group, were you working at the 4101</p> <p>17 Boston Road location?</p> <p>18 A. Yes.</p> <p>19 Q. During the change from Victory Auto</p> <p>20 Group to Spartan Auto Group, other than the</p> <p>21 change in the company name, were there any</p> <p>22 other changes for you as an individual?</p> <p>23 A. I became the owner.</p> <p>24 Q. In terms of work that you were</p> <p>25 doing on a daily basis, was there any change?</p>
<p style="text-align: right;">Page 70</p> <p>1</p> <p>2 A. I don't know the name of the</p> <p>3 company, offhand. It's on-site payroll</p> <p>4 company we use.</p> <p>5 Q. But are the payments for employees</p> <p>6 at Victory Mitsubishi, are those coming from</p> <p>7 Spartan Auto Group?</p> <p>8 A. Yes.</p> <p>9 Q. And would that include Chris</p> <p>10 Orsaris?</p> <p>11 A. He is a buyer, yes.</p> <p>12 Q. Is he a salaried employee?</p> <p>13 A. No.</p> <p>14 Q. Is he paid based on commission?</p> <p>15 A. He is paid based on -- I wouldn't</p> <p>16 say commissions. Depending on the vehicles</p> <p>17 he buys as a buyer's fees.</p> <p>18 Q. Got you. And how is his buyer's</p> <p>19 fee agreed on?</p> <p>20 MR. GOODMAN: Object to the</p> <p>21 form.</p> <p>22 A. Can you rephrase that question?</p> <p>23 Q. Sure. Who determines what his</p> <p>24 buyer's fee is at Victory Mitsubishi?</p> <p>25 A. It's a flat fee, basically, more or</p>	<p style="text-align: right;">Page 72</p> <p>1</p> <p>2 A. No.</p> <p>3 Q. Have you fired anyone at Victory</p> <p>4 Mitsubishi?</p> <p>5 A. I don't think so, no.</p> <p>6 Q. Do you know of any one who has been</p> <p>7 fired at Victory Mitsubishi?</p> <p>8 A. Do I know anyone that has been</p> <p>9 fired?</p> <p>10 Q. Let me withdraw that question.</p> <p>11 Who makes the decisions at Victory</p> <p>12 Mitsubishi on whether to terminate peoples</p> <p>13 employment?</p> <p>14 A. Which department?</p> <p>15 Q. In sales and financing.</p> <p>16 A. Stavros.</p> <p>17 Q. Has Stavros ever fired an employee,</p> <p>18 based on allegations of them defrauding</p> <p>19 consumers?</p> <p>20 MR. GOODMAN: Object to the</p> <p>21 form.</p> <p>22 A. No.</p> <p>23 Q. Who is David Perez?</p> <p>24 A. Manager.</p> <p>25 Q. Did you make the decision to hire</p>



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
73-76

Page 73	Page 75
<p>1</p> <p>2 Mr. Perez?</p> <p>3 A. No.</p> <p>4 Q. Who made that decision?</p> <p>5 A. Stavros.</p> <p>6 Q. When did Mr. Perez start working at</p> <p>7 Victory Mitsubishi?</p> <p>8 A. I don't know.</p> <p>9 Q. What were his responsibilities as a</p> <p>10 sales manager at Victory Mitsubishi?</p> <p>11 A. I don't know. I am assuming</p> <p>12 whatever Stavros directed him to do.</p> <p>13 Q. Does anyone supervise the sales and</p> <p>14 finance managers, besides Stavros?</p> <p>15 A. No.</p> <p>16 Q. What interactions do you have with</p> <p>17 those sales and financing departments, in</p> <p>18 their ordinary course of your work?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form.</p> <p>21 A. What do you mean?</p> <p>22 Q. So, sort of, day-to-day basis of</p> <p>23 doing your job, what sort of interactions do</p> <p>24 you have with people who work in sales and</p> <p>25 financing?</p>	<p>1</p> <p>2 was given by the New York State government,</p> <p>3 did you layoff any employees, even</p> <p>4 temporarily?</p> <p>5 A. When it was shut down, we were</p> <p>6 closed for a few weeks. Everybody got laid</p> <p>7 off.</p> <p>8 Q. And you said that lasted for a few</p> <p>9 weeks?</p> <p>10 A. I believe it was two weeks that we</p> <p>11 were supposed to close for.</p> <p>12 Q. By May 30, 2020, were there any</p> <p>13 employees who were still laid off?</p> <p>14 A. Maybe. I don't -- I don't</p> <p>15 remember.</p> <p>16 Q. Okay. By May 30, of 2020, other</p> <p>17 than the measures you had previously</p> <p>18 explained of appointment only, and social</p> <p>19 distancing, besides those measures, had the</p> <p>20 operations at Victory Mitsubishi changed in</p> <p>21 any way?</p> <p>22 MR. GOODMAN: Object to</p> <p>23 form.</p> <p>24 A. No, just safety, masking, you know,</p> <p>25 every -- no, nothing -- nothing changed.</p>
Page 74	Page 76
<p>1</p> <p>2 A. I occasionally go to the sales</p> <p>3 room, just to say a quick hello to everybody.</p> <p>4 Not much. I don't -- they don't come to me.</p> <p>5 I don't go to them. Everything goes through</p> <p>6 Stavros or my comptroller, Maria.</p> <p>7 Q. How did Victory Mitsubishi adapt to</p> <p>8 the COVID-19 pandemic?</p> <p>9 MR. GOODMAN: Object to the</p> <p>10 form.</p> <p>11 A. We followed all the regulations</p> <p>12 that were required.</p> <p>13 Q. And who decided how to comply with</p> <p>14 those regulations?</p> <p>15 A. Stavros. You know, a lot of</p> <p>16 business owners had to get creative during</p> <p>17 those early days of COVID-19, to continue</p> <p>18 sales and stay afloat.</p> <p>19 Q. How did your operations change</p> <p>20 during those first few months of the</p> <p>21 pandemic?</p> <p>22 A. We had our customers come in by</p> <p>23 appointments. We had everybody spread out.</p> <p>24 Made sure everybody was safe. That's it.</p> <p>25 Q. Okay. So when the shut down order</p>	<p>1</p> <p>2 Q. Okay. And would that be the same</p> <p>3 in -- on June 29, 2020?</p> <p>4 A. On June 19?</p> <p>5 Q. June 29, 2020.</p> <p>6 A. Same thing.</p> <p>7 Q. Okay. How about in September 19,</p> <p>8 2020?</p> <p>9 A. Same thing.</p> <p>10 Q. Okay. When did the vehicle</p> <p>11 lay-away program at Victory Mitsubishi start?</p> <p>12 A. What does that mean?</p> <p>13 Q. The vehicle lay-away program.</p> <p>14 MR. GOODMAN: Vehicle</p> <p>15 lay-away program. Go ahead.</p> <p>16 A. I don't know what that means.</p> <p>17 Q. Okay. What was the remote process</p> <p>18 Victory Mitsubishi had during COVID-19?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form.</p> <p>21 A. We did not do any remote sales, nor</p> <p>22 did any customers apply for remote sales. It</p> <p>23 was a marketing company we used that did that</p> <p>24 for promotion. No customer reached out for</p> <p>25 that, nor did we ever do any of that. It was</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
77-80

Page 77	Page 79
<p>1 2 marketing. 3 Q. Could you tell me what the term 4 "remote process" and "home delivery" means? 5 MR. GOODMAN: Object to 6 form. 7 A. We didn't do it, so I really cannot 8 tell you the terms. 9 Q. So your testimony is that Victory 10 Mitsubishi did not have people buy and 11 finance cars remotely during the COVID-19 12 pandemic? 13 A. Yes, correct. 14 Q. So during the COVID-19 pandemic, 15 what was the general process of the 16 purchasing and financing of a car? 17 How would that work? 18 A. I don't work on the sales floor, so 19 I can't really tell you that. I can assume, 20 but I can't tell you what. 21 Q. I don't want you to assume. 22 A. That's why I am saying, I don't 23 work the floor, and during COVID, I didn't go 24 to the dealership for a very long time. 25 Q. Did you go into the dealership at</p>	<p>1 2 sick or on vacation? 3 A. He doesn't -- he comes at -- he is 4 healthy; knock on wood. He doesn't get sick, 5 and he doesn't really go on vacation. I know 6 it sounds crazy, but he just doesn't go on 7 vacation so far, at least. 8 Q. Who would the first person a 9 customer would talk to on the sales floor be, 10 when they come in to buy a vehicle, in May of 11 2020? 12 A. I don't know. 13 Q. Who would help consumers fill out 14 credit applications, in May of 2020, at 15 Victory Mitsubishi? 16 A. I don't know. 17 Q. Which Victory Mitsubishi employees 18 were pulling credit reports, in May of 2020? 19 MR. GOODMAN: Asked and 20 answered. Go ahead. 21 A. Only managers run credit at all 22 times. 23 Q. So that was the case in May of 24 2020, and during other times in Victory 25 Mitsubishi's history; is that correct?</p>
Page 78	Page 80
<p>1 2 all during the year of 2020? 3 A. I did. 4 Q. Why did you go into the dealership 5 during 2020? 6 MR. GOODMAN: Did you finish 7 your answer? 8 THE WITNESS: I did not. 9 Q. Sorry, go ahead and finish your 10 answer, please. 11 A. I did. But I did not go to the 12 showroom at 4070 for maybe a year. 13 Q. Okay, sorry. 14 A. I would go to 4101, to my office. 15 I would take stuff home to continue doing my 16 work. 17 Q. Got you. Got you. During the year 18 of 2020, who was supervising the sales floor 19 at Victory Mitsubishi? 20 A. Stavros. 21 Q. Was anyone else in charge of 22 supervising the sales floor at Victory 23 Mitsubishi during that time? 24 A. No. 25 Q. Who would supervise, if Stavros was</p>	<p>1 2 A. Correct. 3 Q. Are there video cameras in the 4 sales floor at Victory Mitsubishi? 5 A. Yes. 6 Q. So video recordings are made of the 7 sales at Victory Mitsubishi, correct? 8 MR. GOODMAN: Object to the 9 form; time frame. 10 Q. In May of 2020? 11 A. I -- we do have cameras. I just 12 don't know if they are in every office, but 13 we do have cameras for security purposes. 14 Q. And what do you mean by "for 15 security purposes"? 16 A. Break-ins, people trying to steal 17 cars. 18 Q. Do you have access to the 19 recordings made by those cameras? 20 A. No. 21 Q. Who does have access to those 22 recordings? 23 A. My IT guy and Stavros. 24 Q. Who is your IT guy? 25 A. He has a weird name. I don't</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
81-84

<p style="text-align: right;">Page 81</p> <p>1</p> <p>2 remember his name. I don't know.</p> <p>3 Q. That's all right.</p> <p>4 MS. CATHERINE: Can we just</p> <p>5 leave a blank.</p> <p>6 TO BE FURNISHED: _____</p> <p>7 _____</p> <p>8 A. Yeah, I can get it.</p> <p>9 MR. GOODMAN: Take it under</p> <p>10 advisement.</p> <p>11 Q. And I won't tell him.</p> <p>12 Have you ever seen any video</p> <p>13 recordings made with those cameras?</p> <p>14 A. Yes.</p> <p>15 Q. What were the circumstances of you</p> <p>16 reviewing video recordings made on those</p> <p>17 cameras?</p> <p>18 A. It doesn't matter on time frame?</p> <p>19 Q. Let's say in 2020.</p> <p>20 A. In 2020, we had a break-in when</p> <p>21 they were rioting, so that's -- the cameras</p> <p>22 got into the parking lot, and the vehicles</p> <p>23 that they stole.</p> <p>24 Q. Did you report those break-ins and</p> <p>25 thefts to the police?</p>	<p style="text-align: right;">Page 83</p> <p>1</p> <p>2 dealership?</p> <p>3 A. Only this one. Only this case.</p> <p>4 Q. Aside from Ms. Francois, has any</p> <p>5 other consumer told you that a vehicle was</p> <p>6 sold or financed in their name, without their</p> <p>7 authorization?</p> <p>8 MR. GOODMAN: Object to the</p> <p>9 form; go ahead.</p> <p>10 A. I saw a review that was written up</p> <p>11 with Mitsubishi just a few days ago, but we</p> <p>12 do have video of the customer actually being</p> <p>13 there and signing all of the documents, and</p> <p>14 it was resolved immediately. An</p> <p>15 eighty-five-year-old woman, which I was on</p> <p>16 Mitsubishi, which I know you have.</p> <p>17 Q. Now might be a good point to break</p> <p>18 for lunch, if you want to do that.</p> <p>19 MR. GOODMAN: Okay, so we</p> <p>20 will take half-hour.</p> <p>21 MS. CATHERINE: Yeah, that</p> <p>22 sounds good. So it's 12:07. Let's</p> <p>23 try to be back by 12:37, please.</p> <p>24 MR. GOODMAN: Let's make it</p> <p>25 12:40, just to round up.</p>
<p style="text-align: right;">Page 82</p> <p>1</p> <p>2 A. Yes.</p> <p>3 Q. Other than break-ins and thefts,</p> <p>4 have you ever spoken with the police about</p> <p>5 anything regarding Victory Mitsubishi?</p> <p>6 A. No.</p> <p>7 Q. And so during -- when you were</p> <p>8 reviewing those videos of the break-in in</p> <p>9 2020, were you in someone's office?</p> <p>10 A. They sent it to me because I wasn't</p> <p>11 at the dealership, so, yeah.</p> <p>12 Q. I see. They sent it to you in an</p> <p>13 e-mail or otherwise somehow digitally?</p> <p>14 A. In an e-mail. My work e-mail.</p> <p>15 Q. Other than for break-ins, have you</p> <p>16 ever been sent video recordings made by</p> <p>17 cameras at Victory Mitsubishi?</p> <p>18 A. No.</p> <p>19 Q. Do you recall any instances of</p> <p>20 identify theft happening at Victory</p> <p>21 Mitsubishi?</p> <p>22 MR. GOODMAN: Object to the</p> <p>23 form.</p> <p>24 A. What time frame?</p> <p>25 Q. During the entire history of the</p>	<p style="text-align: right;">Page 84</p> <p>1</p> <p>2 MS. CATHERINE: Sure.</p> <p>3 (Whereupon, a lunch recess</p> <p>4 was taken at this time.)</p> <p>5 BY MS. CATHERINE:</p> <p>6 Q. Ms. Argyropoulos, what is your</p> <p>7 understanding of what transpired at Victory</p> <p>8 Mitsubishi on May 30, 2020?</p> <p>9 MR. GOODMAN: Object to</p> <p>10 form.</p> <p>11 A. Customer complaining.</p> <p>12 Q. Have you ever seen Farah Jean</p> <p>13 Francois?</p> <p>14 A. No.</p> <p>15 Q. Have you ever spoken with Farah</p> <p>16 Jean Francois, such as over the phone?</p> <p>17 A. No.</p> <p>18 Q. Have you ever communicated with</p> <p>19 Farah Jean Francois in any way?</p> <p>20 A. No.</p> <p>21 Q. Did anyone at Victory Mitsubishi,</p> <p>22 such as Stavros Orsaris, explain the</p> <p>23 situation to you in 2020?</p> <p>24 A. No.</p> <p>25 Q. Why wasn't this situation brought</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

85-88

Page 85	Page 87
<p>1 2 to your attention in 2020? 3 MR. GOODMAN: Object to the 4 form. 5 A. I am assuming, because he handled 6 it. 7 Q. So situation like this isn't going 8 to be brought to your attention, if he has it 9 handled; is that correct? 10 A. Yes. 11 MR. GOODMAN: Object to 12 form. 13 Q. Have you ever seen Emanuel 14 LaForest? 15 A. No. 16 Q. Have you ever had any 17 communications with Emanuel LaForest in any 18 way? 19 A. No. 20 Q. In 2020, did you communicate 21 directly with any consumers at Victory 22 Mitsubishi? 23 A. No. 24 Q. You don't need to look at the 25 Capital One agreement for this, but if you</p>	<p>1 2 correct? 3 MR. GOODMAN: Objection. 4 Mischaracterizes. She said 5 Chris Orsaris. 6 MS. CATHERINE: Sorry, did I 7 say -- 8 MR. GOODMAN: You said 9 Stavros. 10 MS. CATHERINE: Chris 11 Orsaris. 12 THE WITNESS: Yes. 13 Q. Did Chris Orsaris suggest putting 14 him as manager and sales manager on that 15 agreement? 16 MR. GOODMAN: Object to 17 form; go ahead. 18 A. No. 19 Q. Did you make that decision to put 20 him as manager and sales imageer on that 21 agreement? 22 A. I don't recall. I just remember 23 that we got Capital One because of Chris' 24 relationship. 25 Q. So you don't recall the</p>
Page 86	Page 88
<p>1 2 would like to look at it, that's fine, of 3 course. But do you have similar agreements 4 to that Capital One agreement with other 5 creditors? 6 MR. GOODMAN: Object to the 7 form; you can answer. 8 A. Similar in what way? I am not 9 understanding. 10 Q. Sure. Does Victory Mitsubishi have 11 agreements with lenders, like the agreement 12 that they have with Capital One? 13 A. Yes. 14 Q. Are there any lenders that Victory 15 Mitsubishi submits applications to, that 16 Victory Mitsubishi does not have an agreement 17 with? 18 A. No. 19 MR. GOODMAN: Go ahead. 20 THE WITNESS: Sorry. 21 MR. GOODMAN: It's fine. 22 Q. You said that Stavros Orsaris was 23 listed on the Capital One agreement as 24 manager because he had a prior relationship 25 with Capital One; that's your testimony,</p>	<p>1 2 circumstances that led to him being listed as 3 the manager, other than his prior 4 relationship with Capital One; is that 5 correct? 6 A. That would be the only reason, 7 correct. 8 Q. Did Chris Orsaris work for Victory 9 Auto Group? 10 MR. GOODMAN: Object to 11 form; go ahead. 12 A. What time frame? 13 Q. Ever. Did he ever work for Victory 14 Auto Group? 15 A. Yes. 16 Q. At what time did you work for 17 Victory Auto Group? 18 A. In 2016. 19 Q. Okay. Was that soon after you had 20 first met him in a social capacity, that you 21 had mentioned earlier? 22 A. Yes. 23 Q. Was he working as a buyer, like he 24 is for Victory Mitsubishi, currently? 25 A. Yes.</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
89-92

Page 89	Page 91
<p>1</p> <p>2 Q. Did Chris Orsaris have to fill out</p> <p>3 a job application to obtain the position that</p> <p>4 he had at Victory Auto Group?</p> <p>5 A. What kind of application?</p> <p>6 Q. Like an employment application.</p> <p>7 A. Yes.</p> <p>8 Q. And who reviewed that employment</p> <p>9 application?</p> <p>10 A. My comptroller.</p> <p>11 Q. Okay. And did that application ask</p> <p>12 for any references?</p> <p>13 A. I think it does.</p> <p>14 Q. Does that application authorize</p> <p>15 Victory Auto Group to perform a background</p> <p>16 check on the applicant?</p> <p>17 A. I don't -- I am not sure.</p> <p>18 Q. Does Victory Mitsubishi perform</p> <p>19 background checks on employees?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of Chris Orsaris'</p> <p>22 criminal history?</p> <p>23 A. Yes.</p> <p>24 Q. When did you learn of Chris</p> <p>25 Orsaris' criminal history?</p>	<p>1</p> <p>2 Q. Why not?</p> <p>3 A. Because Victory Mitsubishi does not</p> <p>4 own the vehicle.</p> <p>5 Q. Who does own the vehicle?</p> <p>6 A. I'm assuming the customer.</p> <p>7 Whatever her -- French Francois.</p> <p>8 Q. Francois.</p> <p>9 A. Francois.</p> <p>10 Q. But you don't know who owns the</p> <p>11 vehicle? That's just your guess?</p> <p>12 A. Yes.</p> <p>13 Q. Has Victory Mitsubishi made any</p> <p>14 efforts to regain title for the vehicle?</p> <p>15 A. No. Not that I recall. Not that I</p> <p>16 know of.</p> <p>17 Q. Has Capital One reached out to</p> <p>18 Victory Mitsubishi to obtain any kind of</p> <p>19 refund or any other kind of compensation, in</p> <p>20 regard to the vehicle?</p> <p>21 A. Not to me.</p> <p>22 Q. Are you aware that Capital One</p> <p>23 performed an investigation of the identity</p> <p>24 theft at issue in this case?</p> <p>25 A. I don't know.</p>
Page 90	Page 92
<p>1</p> <p>2 A. Many years ago. I knew when I met</p> <p>3 him about his history.</p> <p>4 Q. How did you come to learn about his</p> <p>5 history?</p> <p>6 A. He is Greek, I am Greek. It's a</p> <p>7 small circle.</p> <p>8 Q. I see.</p> <p>9 A. Yes.</p> <p>10 Q. Why did you hire Chris Orsaris,</p> <p>11 given his criminal history?</p> <p>12 MR. GOODMAN: Objection to</p> <p>13 form. Go ahead.</p> <p>14 A. He is very good at what he does.</p> <p>15 Whatever crime he committed, he did his time.</p> <p>16 He served his time. You still have to give</p> <p>17 people chances.</p> <p>18 Q. Sure. Is the vehicle at issue in</p> <p>19 this case still in the possession of Victory</p> <p>20 Mitsubishi?</p> <p>21 A. I believe so.</p> <p>22 Q. Has Victory Mitsubishi attempted to</p> <p>23 sell the vehicle, since it regained</p> <p>24 possession of it in September 2020?</p> <p>25 A. No.</p>	<p>1</p> <p>2 Q. What happened to the down payment</p> <p>3 for the vehicle in this case?</p> <p>4 A. I believe she has it.</p> <p>5 Q. And let's go to exhibit -- this is</p> <p>6 going to be marked as Exhibit 43. It's</p> <p>7 screenshots of Instagram.</p> <p>8 MR. GOODMAN: Is this 3934?</p> <p>9 MS. CATHERINE: Yes, 3934</p> <p>10 through 3950.</p> <p>11 Q. Ms. Argyropoulos, are you familiar</p> <p>12 with the social media application Instagram?</p> <p>13 A. I am.</p> <p>14 Q. And do you know who the user</p> <p>15 Chris.Victory_123 is?</p> <p>16 A. No.</p> <p>17 Q. Okay. On this first page, we have</p> <p>18 a screenshot of a post by a</p> <p>19 Chris.Victory_123, which appears to be of a</p> <p>20 logo that reads, "Powered by Victory."</p> <p>21 Are you familiar with this logo?</p> <p>22 A. No.</p> <p>23 MR. GOODMAN: She's on the</p> <p>24 first page.</p> <p>25 THE WITNESS: All right.</p>



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
93-96

Page 93	Page 95
<p>1 2 Yeah, yeah, no. 3 Q. And under the logo, there's a 4 caption which reads, "It's called branding," 5 and there are -- other users are tagged, 6 specifically, Victory.Mitsubishi, Victory 7 Cars East, and Dream Car Gallery 760. 8 Are you familiar with any of these 9 Instagram accounts? 10 A. I know Victory Mitsubishi and 11 Victory Cars East. 12 Q. And who are those accounts for? 13 MR. GOODMAN: The question 14 is: Are you familiar with 15 Instagram accounts of those 16 entities? 17 THE WITNESS: I mean, I know 18 Victory Mitsubishi has Instagram. 19 Victory Cars East has Instagram. 20 Q. Who runs the Instagram account for 21 Victory Mitsubishi? 22 A. My -- BDC manager. Bibi. 23 Q. Who runs the Instagram account for 24 Victory Cars East? 25 A. She does as well, but I believe</p>	<p>1 2 is in this picture? 3 A. I do. 4 Q. And what is that store? 5 A. It's a car dealership. 6 Q. And where is that dealership? 7 A. In Long Island. 8 Q. Who operates that dealership? 9 A. It's no longer in business. I 10 don't know the person's name. But it's no 11 longer in business. 12 Q. Do you know when it ceased 13 operations? 14 A. I am not sure. I don't know. 15 Q. Okay. Let's turn to Francois 3938, 16 please. And is this Instagram account the 17 account for Victory Mitsubishi? 18 A. It looks like it is. 19 Q. And you see there's a little circle 20 in the upper left-hand corner of the 21 screenshot with a logo in it, "Victory 22 Mitsubishi"? 23 Are you familiar with this logo? 24 A. Yes. 25 Q. Who created this logo?</p>
Page 94	Page 96
<p>1 2 that she uses an outside marketing for both. 3 But she's responsible for it. 4 Q. And what's the name of that outside 5 marketing firm? 6 A. I don't know. 7 MS. CATHERINE: Can we just 8 leave a blank in the transcript for 9 that answer, please. 10 TO BE FURNISHED: _____ 11 _____ 12 MR. GOODMAN: We will take 13 it under advisement. 14 Q. And if you could turn to the page 15 Bates-stamped 3936. I know it's a little 16 hard to see the Bates stamps on these, but 17 it's the picture of the white car in front of 18 a dealership. 19 A. Okay. 20 Q. And the caption for this Instagram 21 post is a lightening emoji, followed by the 22 text "buy Victory." Do you know what the 23 "buy Victory" here is in reference to? 24 A. I am not sure. 25 Q. Okay. Do you know the store that</p>	<p>1 2 A. I believe Bibi did. 3 Q. Her last name is Singh, correct? 4 A. Yes. 5 Q. Who is Ms. Singh's employer? 6 A. I am. 7 Q. So Spartan Auto Group, LLC is her 8 employer? 9 A. Yes. 10 Q. Does she work for anyone else, 11 besides Spartan Auto Group? 12 A. She works for Victory Cars East, 13 and I am not sure if anywhere else. 14 Q. Okay, let's turn to the next page, 15 please. It's the screenshot of an 16 advertisement for a "vehicle layaway 17 program." 18 After reviewing this screenshot, 19 does this refresh your recollection as to 20 what the "vehicle layaway program" is? 21 A. I don't know. We never had it. I 22 am assuming whoever was marketing just did 23 that. I don't know. We never did a layaway 24 program. 25 Q. Why would it be marketing, if you</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

97-100

Page 97

1  
2 never did a layaway program?  
3 A. I don't think any customer ever  
4 inquired to do one, so I don't think we ever  
5 had the opportunity. So nothing was ever  
6 done.  
7 Q. So for clarification, was there a  
8 program that was never used, or was there  
9 just never a program?  
10 A. Nobody ever approached to use it,  
11 so we -- it never happened.  
12 Q. I see. And who would have set up  
13 this program at Victory Mitsubishi?  
14 MR. GOODMAN: Object to  
15 form.  
16 A. I am assuming Bibi, with marketing.  
17 Q. When you say, "with marketing," do  
18 you mean marketing employees at Victory  
19 Mitsubishi or what do you mean?  
20 A. An outside marketing.  
21 Q. Outside. Is there an agreement  
22 between that outside marketing firm and  
23 Victory Mitsubishi?  
24 A. I am not sure.  
25 Q. Does the outside marketing firm

Page 98

1  
2 have authority to create sales and financing  
3 programs at Victory Mitsubishi?  
4 MR. GOODMAN: Object to the  
5 form; go ahead.  
6 A. I am not understanding the  
7 question.  
8 Q. Sure. There's this screenshot of  
9 this vehicle layaway program, and it's my  
10 understanding, based on your testimony, that  
11 this was created by the marketing firm. So  
12 my question is: Did they have the authority  
13 to create new programs for Victory  
14 Mitsubishi, like this vehicle layaway  
15 program?  
16 MR. GOODMAN: Object to  
17 form; go ahead.  
18 A. Whatever they create gets reviewed  
19 by Bibi. She discusses all marketing with  
20 them.  
21 Q. Okay. So this advertisement and  
22 the other advertisements on the Victory  
23 Mitsubishi Instagram page, would have been  
24 approved by Ms. Singh; is that correct?  
25 A. Correct.

Page 99

1  
2 Q. There's a phone number here at the  
3 bottom of this advertisement, (347) 846-0825.  
4 What phone number is that?  
5 A. I assume it's one of the phone  
6 numbers. We have many. I don't know them  
7 all by heart.  
8 Q. I see. Do you know how many phone  
9 numbers you have at Victory Mitsubishi?  
10 A. Not offhand, no.  
11 Q. Okay. Okay, let's turn to Francois  
12 3941. This is an Instagram screenshot of a  
13 picture of a woman in a black jacket,  
14 standing in front of a red vehicle.  
15 A. Okay.  
16 Q. If you look under the picture, you  
17 will see a caption dated March 27, 2020,  
18 which reads "back in action. Please contact  
19 us today about our new remote process and  
20 home delivery."  
21 Does this post refresh your  
22 recollection as to what the "new remote  
23 process and home delivery" is?  
24 A. We discussed that before. I told  
25 you, we never did it. So we advertise it,

Page 100

1  
2 nobody ever inquired it, so we never sold any  
3 cars remotely.  
4 Q. Okay. Who made the decision to  
5 advertise this remote process and home  
6 delivery?  
7 A. I am assuming, Bibi and the  
8 marketing team.  
9 Q. Okay. Would she have discussed  
10 programs like this remote process and home  
11 delivery with anyone else at Victory  
12 Mitsubishi, prior to posting about it on  
13 Instagram?  
14 A. She might have.  
15 Q. Turn to the next page, please.  
16 This is my personal favorite because it's a  
17 dog.  
18 A. It's cute. It's a dog. I never  
19 saw it. It's cute.  
20 Q. Okay. And the caption to this one  
21 reads, "Did you know that you can now shop,  
22 buy, apply for financing for your next new or  
23 preowned car or truck SUV at Victory  
24 Mitsubishi, all from the convenience of home?  
25 Find out more details at" -- and there's a

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
101-104

<p style="text-align: right;">Page 101</p> <p>1</p> <p>2 URL there.</p> <p>3 A. Right.</p> <p>4 Q. And what is this Instagram post</p> <p>5 referring to?</p> <p>6 A. The same thing that the page before</p> <p>7 -- remote sales. It's the same thing, worded</p> <p>8 differently.</p> <p>9 Q. Okay.</p> <p>10 A. The governor allowed remote sales</p> <p>11 at that time due to COVID.</p> <p>12 Q. I see. Okay. And if you could</p> <p>13 turn two pages to -- there's an Instagram</p> <p>14 screenshot that shows an advertisement of a</p> <p>15 man on a cell phone with the text, "buy your</p> <p>16 vehicle from your smartphone, new or</p> <p>17 preowned. Get the numbers and make the deal</p> <p>18 over the phone. See the vehicle you want</p> <p>19 using these apps," and it lists a number of</p> <p>20 different applications.</p> <p>21 Is this also in reference to the</p> <p>22 same program that we've been discussing?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And if you could turn to the</p> <p>25 next page, we have another screenshot that</p>	<p style="text-align: right;">Page 103</p> <p>1</p> <p>2 remote sales, even though by law we were</p> <p>3 allowed to do so. I guess they are still</p> <p>4 marketing because you were still legally</p> <p>5 allowed to do remote sales and wanting people</p> <p>6 to feel comfortable because we did give out</p> <p>7 boxes of masks because we bought</p> <p>8 thirty-thousand masks, even if the people</p> <p>9 didn't buy the cars, for protection, and</p> <p>10 gloves. It was just a nice thing we did.</p> <p>11 Q. You have referenced a couple of</p> <p>12 times now that under the emergency orders,</p> <p>13 that it was permitted to do remote sales of</p> <p>14 vehicles. Do you know what the requirements</p> <p>15 were to perform those remote sales of</p> <p>16 vehicles?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you know if there were any</p> <p>19 trainings at Victory Mitsubishi on how to do</p> <p>20 remote sales of vehicles?</p> <p>21 A. If we were going to do any remote</p> <p>22 sales, it was going to be Stavros doing them</p> <p>23 directly himself. But no customer ever</p> <p>24 inquired in it, so we -- we never did it.</p> <p>25 But he was going to do it himself.</p>
<p style="text-align: right;">Page 102</p> <p>1</p> <p>2 reads, "Buy online." Is this in reference to</p> <p>3 the same program we've been discussing?</p> <p>4 A. Yes. Sorry.</p> <p>5 Q. It's all right. And if you could</p> <p>6 turn to the next page, please. There's a</p> <p>7 picture of a woman wearing medical scrubs,</p> <p>8 gloves, and a mask. It has a caption which</p> <p>9 reads, "Coronavirus update, for those</p> <p>10 customers who wish to visit us here at the</p> <p>11 dealership to look more closely at their new</p> <p>12 or used vehicle choices, we now have gloves</p> <p>13 and surgical masks available as an added</p> <p>14 precaution."</p> <p>15 Why does this post specify, "for</p> <p>16 those customers who wish to visit us here at</p> <p>17 the dealership"? Don't all customers go to</p> <p>18 the dealership in person to purchase</p> <p>19 vehicles?</p> <p>20 MR. GOODMAN: Object to the</p> <p>21 form; go ahead.</p> <p>22 A. They do.</p> <p>23 Q. So why does the post specify, "for</p> <p>24 those customers who wish to visit us here"?</p> <p>25 A. I don't know. We did not do any</p>	<p style="text-align: right;">Page 104</p> <p>1</p> <p>2 Q. Okay. Okay. Let's turn to the</p> <p>3 page which has the screenshot that starts</p> <p>4 with the text, "We are resuming our regular</p> <p>5 hours."</p> <p>6 MR. GOODMAN: What's the</p> <p>7 Bates stamp on it?</p> <p>8 MS. CATHERINE: This is</p> <p>9 Francois 3949.</p> <p>10 A. Okay.</p> <p>11 Q. And if you could just take a second</p> <p>12 to read the text on that page and just let me</p> <p>13 know when you are finished.</p> <p>14 A. Okay.</p> <p>15 Q. What is this post in reference to?</p> <p>16 A. If I remember correctly, are hours</p> <p>17 were modified for the first two weeks. We</p> <p>18 were understaffed, so I don't think we were</p> <p>19 open as early. I think we started our day</p> <p>20 later. But I don't really remember.</p> <p>21 Q. And this post is dated June 10,</p> <p>22 2020. Was Victory Mitsubishi still only</p> <p>23 doing sales by appointment on June 10, 2020?</p> <p>24 A. I am not sure.</p> <p>25 Q. Okay. If you can turn to the next</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
105-108

Page 105	Page 107
<p>1 2 page, please. This page features a 3 screenshot which has the text, "You can do it 4 all from home," dated June 26, 2020." 5 What is the meaning of, "You can do 6 it all from home"? 7 MR. GOODMAN: Object to 8 form. 9 A. Buying a vehicle. 10 Q. Can you open Exhibit 21, please, 11 which is the deal jacket. What is this 12 document? 13 A. On page twenty-one? 14 MR. GOODMAN: No, the whole 15 thing. 16 THE WITNESS: Oh, whole 17 document. 18 Q. The whole document. 19 MR. GOODMAN: Exhibit 21. 20 A. The front of it is a deal jacket. 21 The whole document -- I see a credit app. I 22 see receipt for deposit. I see a contract 23 for financing the vehicle. I see a form for 24 registration and titling. I see the 25 inspection of the vehicle. I see the</p>	<p>1 2 A. What kind of issues? 3 Q. Let's just start with making sure 4 there's a title corresponding to the vehicle. 5 A. The vehicles that are owned by 6 Victory Mitsubishi? 7 Q. Yes. 8 A. My title clerk. 9 Q. And who is that? 10 A. Areefa. 11 Q. Last name? 12 A. Khan. 13 Q. Could you spell that, please? 14 A. K-H -- last name? 15 Q. Both, if you know how. 16 A. Yes. A-R-E-E-F-A, last name is 17 K-H-A-N. 18 Q. Okay, can you open Exhibit 23, 19 please, Bates-stamped Defendant's 85 through 20 92. It's the screenshots from Dealertrack. 21 THE WITNESS: It's not this 22 one? 23 MR. GOODMAN: No, no. 24 It's this one. 25 THE WITNESS: Okay.</p>
Page 106	Page 108
<p>1 2 warranty contract. Capital One funding. The 3 bill of rights form. The bill of sale. 4 Information about the vehicle. The 5 application for the financing, the rate, the 6 driver's license, insurance card, the plate 7 number, MV-50 for registration, a copy of the 8 title for the vehicle. 9 Q. In the ordinary course of your 10 business working at Victory Mitsubishi, do 11 you review deal jackets for any reason? 12 A. No. 13 Q. And we discussed earlier that 14 Victory Mitsubishi has the vehicle, but does 15 not have title to the vehicle at this time. 16 Is there a way for Victory 17 Mitsubishi to obtain title at this time? 18 A. I am not sure. 19 Q. Do you know if there's any process 20 underway to obtain title for the vehicle? 21 A. I don't know any. 22 Q. Who at Victory Mitsubishi would 23 handle issues with titles for vehicles? 24 MR. GOODMAN: Object to the 25 form.</p>	<p>1 2 Q. Okay, starting with this first 3 page, is there a customer selection option 4 when you open Dealertrack? 5 A. I am not understanding. 6 Q. Sure. So the way that you use 7 Dealertrack is a bit different than the way 8 that the sales and financing people use 9 Dealertrack, correct? 10 A. Yes. 11 Q. And do you know if the screens look 12 different for you on Dealer Track, than for 13 people on sales and financing? 14 A. Yes. 15 Q. Okay. And are you familiar with a 16 screen like the one on Bates-stamped 17 Defendant's 85, titled "customer selection"? 18 A. I have the same screen on that. 19 Q. Okay. Great. And if you could 20 turn to the next page, please. And when you 21 select a customer in customer selection, 22 would a screen like this one show up for you? 23 A. Yes. 24 Q. And you will see here there's a 25 field for "sales person one," and it's filled</p>



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
109-112

Page 109	Page 111
<p>1 2 in with the numbers "999." 3 Who does "999" refer to? 4 A. There was no salesperson on the 5 deal. 6 Q. I see. So 999 is just kind of a -- 7 what you would put in if there was no 8 salesperson involved with the deal? 9 A. Yes. 10 Q. Okay. Great. And who does "A31" 11 refer to in the field titled "F and I 12 manager"? 13 A. That's the finance manager's. 14 Q. Do you know who "A31" is? 15 A. I am not sure. They all have 16 numbers. I would have to go to a different 17 screen to see it. 18 Q. Is there any document, including an 19 electronic document, like a screen you could 20 pull up in Dealertrack, that lists all of the 21 employee identification numbers, like 999, 22 and A31? 23 A. There may be. 24 MS. CATHERINE: We would call 25 for the production of that</p>	<p>1 2 form. You mean about this vehicle? 3 MS. CATHERINE: Yes, about 4 this vehicle. 5 A. I don't know. 6 Q. Okay. If you could turn to the 7 next page, please. And we see accountings of 8 different amounts for the sale of the 9 vehicle, and there's a field for 10 "registration," with the amount 250. 11 What is that? 12 A. Two -- 13 MR. GOODMAN: Where is it 14 at? Oh, I see it. Okay, go ahead. 15 A. To register and title the vehicle. 16 Q. Okay. And does Victory Mitsubishi 17 keep the registration fee for vehicle sales? 18 A. It pays DMV to register the cars. 19 Q. I see. So that payment goes to the 20 DMV? 21 A. Correct. 22 Q. Okay. And then there's a service 23 contract, which I know you also identified in 24 the deal jacket, and the amount for that is 25 \$3,000. Do you know what happened to that</p>
Page 110	Page 112
<p>1 2 document. 3 A. I mean... 4 MS. CATHERINE: To the extent 5 it exists. 6 MR. GOODMAN: Taken under 7 advisement. 8 Q. And if you could turn to the next 9 page, please. And there's text here that 10 reads, "function," and there's an asterisk 11 and then a yellow box to the right of it. 12 Do you know what that is? 13 A. I don't know this screen. 14 Q. Okay. Remains a mystery. 15 MR. GOODMAN: Excuse me. 16 Q. Let's see. Could you turn to the 17 page marked Defendant's 90. It's the one 18 with Progressive Insurance. 19 A. Okay, got it. 20 Q. And has Victory Mitsubishi had any 21 communications with Progressive Insurance 22 since the vehicle was returned to the Victory 23 Mitsubishi in September of 2020? 24 A. I don't know. 25 MR. GOODMAN: Object to the</p>	<p>1 2 \$3,000, since the return of the vehicle in 3 September 2020? 4 A. I don't know. 5 Q. Do you know if the service contract 6 has been refunded? 7 A. I don't know. 8 Q. And there's a "document fee" here 9 of \$75. What is the "document fee"? 10 A. I am not sure. 11 Q. Okay. If you could look at the 12 last page, please, Defendant's 92. 13 What is this document? 14 A. I have never seen it before. 15 Q. Okay. If you could open -- let's 16 open what is going to be marked Exhibit 44. 17 This is one of the new documents. It's 18 Bates-stamped subpoena responses 569 through 19 574. It's a Dealertrack document. 20 MR. GOODMAN: Okay. Yeah, 21 this might be it. 569 to 574? 22 MS. CATHERINE: Yeah, six 23 pages. 24 Q. Prior to your preparation for your 25 deposition today, had you ever seen a</p>



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
113-116

Page 113	Page 115
<p>1</p> <p>2 document like this one, either printed out or</p> <p>3 on a computer screen?</p> <p>4 A. I have seen it on a computer</p> <p>5 screen.</p> <p>6 Q. Okay, what is this document?</p> <p>7 A. It's Dealertrack, on the process</p> <p>8 of the vehicle.</p> <p>9 Q. And who has access to this?</p> <p>10 A. Finance managers and Stavros.</p> <p>11 Q. And if you could go to the last</p> <p>12 page of the document, subpoena responses 574,</p> <p>13 and, actually, before I ask about that, why</p> <p>14 would the finance managers or Stavros access</p> <p>15 this document in the ordinary course of their</p> <p>16 business?</p> <p>17 MR. GOODMAN: Object to</p> <p>18 form; go ahead.</p> <p>19 A. To send the application to the</p> <p>20 bank, so the bank can fund the deal.</p> <p>21 Q. Okay. All right. And looking at</p> <p>22 the last page of the document 574, it begins</p> <p>23 with an entry time stamped "4:54 p.m., Y.</p> <p>24 Ventura, deal jacket created."</p> <p>25 Who is Y. Ventura?</p>	<p>1</p> <p>2 sales and financing of a vehicle, why</p> <p>3 Dealertrack would have one Victory</p> <p>4 Mitsubishi employee pulling the credit report</p> <p>5 and submitting credit application, and then</p> <p>6 switch to a different Victory Mitsubishi</p> <p>7 employee?</p> <p>8 MR. GOODMAN: Object to the</p> <p>9 form.</p> <p>10 A. Because the second one gets</p> <p>11 switched over -- submits the deal to the</p> <p>12 bank.</p> <p>13 Q. Why would that happen, generally?</p> <p>14 A. Because they are the finance</p> <p>15 managers.</p> <p>16 Q. Is it due to them being busy or</p> <p>17 what would be the reason?</p> <p>18 A. Just a different responsibility.</p> <p>19 They are a finance managers. That's what</p> <p>20 their job is.</p> <p>21 Q. Do only finance managers submit</p> <p>22 credit applications?</p> <p>23 A. No.</p> <p>24 Q. Who else submits credit</p> <p>25 applications, besides finance managers?</p>
Page 114	Page 116
<p>1</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. And what does "deal jacket</p> <p>4 created" refer to?</p> <p>5 A. I am not sure.</p> <p>6 Q. So in the ordinary course of your</p> <p>7 working at Victory Mitsubishi, do you review</p> <p>8 this document?</p> <p>9 A. No.</p> <p>10 Q. Okay. There's an entry further</p> <p>11 towards the top time stamped 4:58 p.m., which</p> <p>12 reads, "privacy notice manually signed."</p> <p>13 Do you know what this refers to?</p> <p>14 A. I am not sure.</p> <p>15 Q. If you go to the previous page,</p> <p>16 573, go to the bottom of the page, you will</p> <p>17 see there's an entry time stamped 4:59, by</p> <p>18 this Y. Venture, "Trans decision approved."</p> <p>19 The next entry is time stamped 6:09 p.m., by</p> <p>20 Jessica Vallejo, and that reads "credit</p> <p>21 application copied."</p> <p>22 Do you know why it switched from Y.</p> <p>23 Ventura to Jessica Vallejo?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know why, generally, in the</p>	<p>1</p> <p>2 A. Managers.</p> <p>3 Q. Besides Stavros or Orsaris and</p> <p>4 David Perez, what other managers are there?</p> <p>5 A. At what time?</p> <p>6 Q. In May of 2020.</p> <p>7 A. I think Jason Lewis.</p> <p>8 Q. Does Jason Lewis still work at</p> <p>9 Victory Mitsubishi?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Who are the financing</p> <p>12 managers at Victory Mitsubishi in May -- on</p> <p>13 May 30, 2020?</p> <p>14 A. I know Yessica, Joe. I am not sure</p> <p>15 if anybody else.</p> <p>16 Q. Do you know if there's ever been a</p> <p>17 finance manager with the last name Ventura at</p> <p>18 Victory Mitsubishi?</p> <p>19 A. Maybe.</p> <p>20 Q. And if you could turn to the page</p> <p>21 subpoena responses 572, please. Do you know</p> <p>22 what Victory Mitsubishi's hours of operation</p> <p>23 were on May 30, 2020?</p> <p>24 A. No.</p> <p>25 Q. Do you know what Victory</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
117-120

Page 117	Page 119
<p>1 2 Mitsubishi's hours of operation are 3 currently? Specifically, for Saturdays. 4 A. I think it's nine to eight. 5 Q. Okay. 6 A. Nine to nine. 7 Q. Has there ever been a point at 8 which Victory Mitsubishi's hours of operation 9 extended past 10:00 p.m.? 10 A. I am not sure. 11 Q. Okay. And on this page we see a 12 little back and forth here between Ventura 13 and Vallejo, from 6:13 p.m. to 6:48 p.m., and 14 then nothing happens until 10:11 p.m., when 15 there's an entry which reads, "credit 16 application E-signature pending." 17 First, what does "credit 18 application E-signature pending" mean? 19 A. I don't -- I don't know. 20 MR. GOODMAN: Let me see 21 that page. 22 Q. And do you know any reason why 23 there would be entries made in Dealertrack 24 for an account after 10:00 p.m.? 25 MR. GOODMAN: Object to</p>	<p>1 2 MS. CATHERINE: It's the 3 investigation summary by Capital 4 One. It has tied in account 5 numbers at the top. 6 MR. GOODMAN: I know what it 7 is, but I am not -- maybe it's 8 right here. Okay, I don't -- oh, 9 it might be in that stack. Yeah, I 10 am not finding it in here. I would 11 have to print it out. You might 12 want to ask her if she knows what 13 it is anyway. If you want me to go 14 print it, I will have to go out and 15 print it. 16 MS. CATHERINE: Before we do 17 that, let's go back to the 18 agreement between Victory 19 Mitsubishi and Capital One. 20 MR. GOODMAN: That's right 21 there. 22 MS. CATHERINE: Exhibit 41. 23 Q. And if you could turn to the page 24 Bates-stamped Defendant's 80. When you have 25 that in front of you --</p>
Page 118	Page 120
<p>1 2 form. 3 Q. Sorry, what was the answer? 4 A. I don't know. 5 Q. Okay. Have you ever seen Yessica 6 Vallejo working at the dealership, after the 7 dealership has closed? 8 MR. GOODMAN: Object to 9 form. 10 A. I am not there. 11 Q. Fair enough. 12 MR. GOODMAN: Emma, if this 13 is a good time, can we take five 14 minutes? 15 MS. CATHERINE: Yeah, that's 16 fine. This is a good time. 17 (Whereupon, a recess was 18 taken at this time.) 19 BY MS. CATHERINE: 20 Q. Let's go to Exhibit 32. It's a 21 single page, subpoena responses 326. 22 MR. GOODMAN: 326? 23 MS. CATHERINE: Yeah. 24 MR. GOODMAN: What is it, 25 Emma?</p>	<p>1 2 A. I am trying to find it. 3 Q. Okay. 4 A. Okay, I found it. Page 80? 5 Q. Yes. 6 A. Okay. 7 Q. Okay. And do you see the section 8 titled "Fair Credit Reporting Act"? 9 A. Yes. 10 Q. And is that your signature under 11 the section titled "Fair Credit Reporting 12 Act"? 13 A. Yes. 14 Q. And what is your understanding of 15 what your signature was agreeing to on this 16 page? 17 MS. CATHERINE: Strike that. 18 Q. What is your understanding of the 19 effect of your signing this page? 20 MR. GOODMAN: Object to 21 form. 22 A. My understanding -- actually, let 23 me look at this. 24 Q. Sure. Take your time. 25 A. To have the customer and give their</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
121-124

Page 121	Page 123
<p>1 2 ID and signing the credit app, so their 3 credit could be run to obtain a loan. 4 Sorry, you didn't hear me? 5 Q. No, no, I heard you. 6 Is Mr. Goodman still there? 7 MR. GOODMAN: I am here. I 8 am looking through papers trying to 9 find that out. 10 MS. CATHERINE: Okay, sorry. 11 I just don't want to proceed 12 without you. 13 MR. GOODMAN: 326, Titan 14 account number. That's the one we 15 were looking for before? 16 MS. CATHERINE: Yeah. 17 MR. GOODMAN: The 18 investigation initiated -- okay, we 19 found it. There you go. 20 MS. CATHERINE: Okay, great. 21 Q. A couple of questions, first, 22 though. 23 For the Capital One document, the 24 paragraph under Fair Credit Reporting Act, 25 that says, "Under the Fair Credit Reporting</p>	<p>1 2 What is your understanding of what 3 "additional responsibilities" could be 4 triggered under these circumstances? 5 A. I am not sure. 6 Q. Okay, let's look at that 7 investigation document, please, the one 8 Bates-stamped subpoena responses 326. 9 Prior to your preparation for this 10 deposition today, had you ever seen this 11 document before? 12 A. No. 13 Q. Could you please take a second and 14 read the section titled "narrative" to 15 yourself, and let me know when you are 16 finished? 17 A. Okay. 18 Q. Okay. There are two sentences here 19 I want to ask you about. The first sentence 20 is the one that says, "During the review of 21 the account, it was discovered that an 22 unknown suspect using the telephone numbers 23 listed above used the victim's name, date of 24 birth, and social security number, on June 25 29, 2020, to purchase a 2017 BMW 5 series for</p>
Page 122	Page 124
<p>1 2 Act, you are either a user of credit 3 information, a consumer reporting agency, or 4 exempt except for disclosure requirements." 5 I didn't read a parenthetical there, but what 6 is your understanding of whether you're a 7 user of credit information, a consumer 8 reporting agency, or exempt? 9 A. My understanding, they were allowed 10 to run a customer's credit to apply for a 11 loan. 12 Q. Okay. And is your understanding 13 that that would make you a user of credit 14 information? 15 A. Not me, technically, but the 16 company. 17 Q. Spartan Auto Group is the user? 18 A. Spartan Auto Group is the user. 19 Q. And the second bullet point here 20 says, "Should the financing source to whom 21 you submitted the application reject the deal 22 and supply you credit information, you might 23 find yourself being a user of a report and 24 depending on the information received, 25 trigger additional responsibilities."</p>	<p>1 2 29,462.81." 3 Do you understand that statement to 4 be accurate? 5 MR. GOODMAN: Object to the 6 form. 7 A. No. 8 Q. And what do you understand about 9 that statement to not be accurate? 10 A. I believe that the customer was 11 actually at the dealership purchasing the car 12 because I discussed this with Stavros. They 13 got a lot of tickets and they didn't want to 14 claim responsibility. She came to the 15 dealership. There was communication with 16 BBC. We have recording of her. She did come 17 to the dealership. So from what I am 18 understanding from Stavros -- I was not 19 there. I didn't see the customer. That she 20 was there for -- and they got a lot of 21 tickets, thousands of dollars, and they 22 didn't want to be responsible for them. 23 Q. And what is your understanding -- 24 you mentioned recordings. What are those 25 recordings?</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
125-128

Page 125	Page 127
<p>1</p> <p>2 A. With BDC calling the customer and</p> <p>3 speaking to her.</p> <p>4 Q. What's BDC?</p> <p>5 A. Cust- -- the girls that call the</p> <p>6 customers to see if the visit was okay, if</p> <p>7 they came in, or to make appointment for a</p> <p>8 car.</p> <p>9 Q. And do you know the date of those</p> <p>10 phone calls?</p> <p>11 A. I am not sure.</p> <p>12 Q. Do you know if those phone calls</p> <p>13 were before or after the sale of the vehicle?</p> <p>14 A. I am not sure. I believe it was</p> <p>15 after, though.</p> <p>16 Q. Okay.</p> <p>17 A. I am pretty sure it was after</p> <p>18 because they -- and there's a recording. I</p> <p>19 believe we still have it. They asked how the</p> <p>20 visit went.</p> <p>21 Q. Do you know if anyone was ever</p> <p>22 arrested or criminally charged, in relation</p> <p>23 to this alleged identity theft?</p> <p>24 A. No. I don't know.</p> <p>25 Q. Okay. Do you know who Emanuel</p>	<p>1</p> <p>2 What is your understanding of</p> <p>3 Capital One's efforts to recover the funds on</p> <p>4 the loan?</p> <p>5 A. I don't think there was any. I am</p> <p>6 not aware of Capital One reaching out to</p> <p>7 Victory Mitsubishi. I have no knowledge of</p> <p>8 that.</p> <p>9 Q. If that did happen, generally,</p> <p>10 would that be something that would be</p> <p>11 communicated to you?</p> <p>12 A. Only if it wasn't resolved. But</p> <p>13 usually Stavros handles everything.</p> <p>14 Q. Okay. So Stavros would handle it,</p> <p>15 but if there was some kind of problem or</p> <p>16 inability for him to resolve it, then he</p> <p>17 would communicate it to you; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. And sorry if I asked this before,</p> <p>20 but just in the general operation of the</p> <p>21 business, how often do you talk to Stavros?</p> <p>22 MR. GOODMAN: Object to</p> <p>23 form.</p> <p>24 A. At what time? What time frame?</p> <p>25 Q. In 2020.</p>
Page 126	Page 128
<p>1</p> <p>2 LaForest is?</p> <p>3 A. Until recently, no. But now I do</p> <p>4 know who he is.</p> <p>5 Q. What's your understanding of who he</p> <p>6 is?</p> <p>7 A. They came together to purchase a</p> <p>8 car.</p> <p>9 Q. And the sentence I just asked you</p> <p>10 about talked about telephone numbers, name,</p> <p>11 date of birth and social security number,</p> <p>12 which are listed above, or the phone number,</p> <p>13 rather, are listed above.</p> <p>14 Do you recognize either of the</p> <p>15 phone numbers listed under "home phone" or</p> <p>16 "work phone"?</p> <p>17 A. No.</p> <p>18 Q. And there's a date of birth here</p> <p>19 for February 18, 1982. Do you know anyone</p> <p>20 with the birth date February 18, 1982?</p> <p>21 A. No.</p> <p>22 Q. Okay. And the last sentence in</p> <p>23 this narrative reads, "Capital One Auto</p> <p>24 Finance has begun efforts to recover the</p> <p>25 funds on the loan."</p>	<p>1</p> <p>2 A. In 2020, I spoke to him, I would</p> <p>3 say, maybe three times a week, maybe once a</p> <p>4 day.</p> <p>5 Q. And what were the nature of those</p> <p>6 calls?</p> <p>7 A. To prepare all the deposits to be</p> <p>8 sent across the street. So I would have them</p> <p>9 either delivered to me or I would show up</p> <p>10 once in a while to pick up everything to work</p> <p>11 from home.</p> <p>12 Q. When you say, "the deposits," are</p> <p>13 you referring to the down payments on</p> <p>14 vehicles?</p> <p>15 A. Yes, credit card or cash.</p> <p>16 Q. And where are those kept when they</p> <p>17 are at the 4070 location?</p> <p>18 A. In a safe.</p> <p>19 Q. Who has access to that safe?</p> <p>20 A. Stavros.</p> <p>21 Q. Do you have access to that safe?</p> <p>22 A. Honestly, no. We got a new safe,</p> <p>23 so, no, I do not because I don't go there, to</p> <p>24 be honest.</p> <p>25 Q. I guess it shows the level of trust</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
129-132

Page 129	Page 131
<p>1 2 between you. 3 A. Honestly, no, I don't. 4 Q. And so once you pick up the down 5 payments, what do you do with them? 6 A. I close it out in our DMS system, 7 which is Dealertrack, and I send it to the 8 bank. 9 Q. And are those kept in, like, a 10 checking account, in an IOLA account? 11 What kind of account are they kept 12 in at the bank? 13 A. In a checking account. 14 Q. Are other funds kept in that 15 account, besides down payments? 16 A. Yes. 17 Q. And you say you "close it out in 18 the DMS system." Does that create a record 19 showing that the down payment was deposited 20 in a bank account? 21 MR. GOODMAN: Object to 22 form. 23 A. I mean it -- once a customer gives 24 money, it's already recorded to the deal. So 25 it follows through, but it gets recorded to</p>	<p>1 2 look different. But I assume it's something 3 from Mitsubishi. 4 MR. GOODMAN: Don't assume. 5 If you know what it is -- 6 THE WITNESS: Yeah, I am not 7 sure. 8 Q. Okay. If you turn to the page 9 stamped subpoena responses 488, you will see 10 there's a column with a bunch of cells that 11 are filled in with text describing different 12 complaints. And take your time. Feel free 13 to read all of them. 14 Do you recognize any of the 15 complaints described in this spreadsheet? 16 A. I recognize one. 17 Q. Which is the one that you 18 recognize? 19 A. "Customer daughter upset that her 20 eighty-five-year-old mother's name was on 21 it." 22 Q. Okay. 23 A. This is the recent complaint that I 24 actually discussed when I saw this document. 25 Q. I see. And who did you discuss</p>
Page 130	Page 132
<p>1 2 the dealers through the receipt of the money. 3 But, yes, there's a record of making sure all 4 money goes to the bank. 5 Q. Okay. 6 MS. CATHERINE: We call for 7 the production of that record in 8 regard to the down payment for this 9 vehicle. 10 MR. GOODMAN: Taken under 11 advisement. 12 Q. Okay, let's look at Exhibit 33. 13 It's a printout of a spreadsheet of 14 complaints from Mitsubishi, Bates-stamped 15 subpoena responses 485 through 489. And just 16 for the record, I am only describing the 17 documents inasmuch as to help locate them, 18 not to influence the witness in any way. And 19 just let me know when you have those in front 20 of you. 21 A. I have them. 22 Q. Okay, great. 23 What is this document? 24 A. I am assuming it's an -- I am not 25 sure. Because if I am getting it, it could</p>	<p>1 2 that with? 3 A. Stavros. 4 Q. Were your attorneys present for 5 that discussion? 6 MR. GOODMAN: By counsel, 7 yes. 8 THE WITNESS: You were 9 right. I had to think. Yes, yes, 10 they were. 11 MS. CATHERINE: As curious as 12 I am, I will refrain from asking 13 what was said in that conversation. 14 MR. GOODMAN: Well, you can 15 ask. 16 MS. CATHERINE: Oh, I am, I 17 am going to. 18 Q. What is your understanding of what 19 happened in this case? 20 A. Okay, I read it, I asked Stavros to 21 come to me across the street, comes to me, I 22 asked him about it, he showed me video of 23 this eighty-five-year-old woman signing all 24 the documents, and it was resolved with the 25 customers. The daughter had an issue with</p>



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
133-136

Page 133

1  
2 the parking spot where she lives, and that's  
3 why she made all this nonsense. But it has  
4 been resolved and we do have footage video of  
5 this eighty-five-year-old woman signing all  
6 documents. So, to me, there's no issue  
7 there.  
8 Q. Okay. Could you explain to me a  
9 little bit about what you mean by, like,  
10 "parking spot"? I am a little confused with  
11 what that has to do with anything.  
12 A. Wherever they live had to be on the  
13 daughter's name, so the building was able to  
14 permit her, but she wound up resolving it.  
15 When she resolved it with the building, it  
16 went away. So it was all -- and we do have  
17 video of the eighty-five-year-old woman  
18 signing all the documents at the dealership.  
19 Q. Do you still have that video?  
20 A. Yes.  
21 Q. Okay. Are you familiar with any of  
22 the other complaints listed on the  
23 spreadsheet?  
24 A. No. No, that one caught my eye, so  
25 that's why I asked it, but no.

Page 134

1  
2 Q. Has Mitsubishi Motors ever reached  
3 out to you, you, specifically, Diane  
4 Argyropoulos, to discuss complaints made  
5 against Victory Mitsubishi?  
6 A. No.  
7 Q. Do you know if Mitsubishi Motors  
8 has reached out to anyone else, such as  
9 Stavros Orsaris, to discuss complaints made  
10 against Victory Mitsubishi?  
11 A. Yes.  
12 Q. What is your understanding of those  
13 complaints?  
14 A. The one that we just discussed, you  
15 know, you have to resolve it. It doesn't go  
16 away. Mitsubishi wants to know. And it gets  
17 resolved. A lot of times these customers,  
18 you know, wanted a Mercedes and left with a  
19 Mitsubishi. So if you are coming in for -- a  
20 little upset, but what are you going to do?  
21 Everybody wants something they can't have.  
22 Q. How are Chris Orsaris and Stavros  
23 related?  
24 A. Father and son.  
25 Q. Do you know any other father and

Page 135

1  
2 son who work at Victory Mitsubishi?  
3 A. His -- at what time frame?  
4 Q. In May of 2020.  
5 A. Any other in May of 2020? No, no.  
6 Q. Does anyone else from the Orsaris  
7 family work at Victory Mitsubishi, in May of  
8 2020?  
9 MR. GOODMAN: Object to the  
10 form.  
11 Q. Anyone else besides Chris Orsaris  
12 and Stavros Orsaris?  
13 A. No. No.  
14 Q. With the complaint -- with the --  
15 the elderly woman that you were just  
16 discussing, did you actually watch the video  
17 recording or did Stavros just describe it to  
18 you?  
19 A. I watched it.  
20 Q. Okay. And had Stavros e-mailed the  
21 video recording to you?  
22 A. No, he showed it to me in person.  
23 Q. I see. Was it, like, on his phone  
24 or something?  
25 A. We were at -- we were on a

Page 136

1  
2 computer, so I think -- did it -- he was able  
3 to download from the computer.  
4 Q. I see. All right. And in  
5 September of 2020, do you know if there were  
6 any other father and son working at Victory  
7 Mitsubishi, besides Stavros and Chris  
8 Orsaris?  
9 A. No. No.  
10 Q. At any point --  
11 A. No, there wasn't any. Sorry.  
12 Q. At any point during the history of  
13 Victory Mitsubishi, have there been any  
14 fathers and sons working there, besides Chris  
15 and Stavros Orsaris?  
16 A. No.  
17 Q. Okay.  
18 A. No.  
19 Q. How long are video recordings kept  
20 at Victory Mitsubishi?  
21 A. I am really not sure. I am really  
22 not sure.  
23 Q. Around when did you watch this  
24 video recording of the elderly woman  
25 regarding the consumer complaint?

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
137-140

Page 137

1  
2 A. A few days ago.  
3 Q. And I believe that complaint is  
4 dated May of 2022. I believe. Let me  
5 actually look at it before I guess.  
6 MR. GOODMAN: That's  
7 correct.  
8 MS. CATHERINE: Okay.  
9 Q. So is it reasonable to assume,  
10 then, that you keep recordings for at least  
11 six to seven month?  
12 MR. GOODMAN: Object to  
13 form. Time frame, also, but  
14 objection.  
15 A. No, I am assuming -- when was this  
16 filed?  
17 MR. GOODMAN: May of 2022.  
18 THE WITNESS: When did the  
19 customer buy the car?  
20 MR. GOODMAN: May of '22.  
21 A. Okay, so we still have the  
22 recording. I think it only saves maybe for  
23 thirty days. It doesn't -- it doesn't -- we  
24 don't have, like, a six month...  
25 MR. GOODMAN: Do you know

Page 138

1  
2 what the standard is? If you don't  
3 --  
4 THE WITNESS: Yeah, I don't  
5 know. But this was because  
6 customer had just purchased the  
7 car. They still had the recording  
8 and they went back that day.  
9 Q. Do you know why there aren't any  
10 video recordings of the sale of the vehicle  
11 in the name of Farah Jean Francois?  
12 A. I don't know. But two years later,  
13 it would no longer be there.  
14 Q. But the vehicle was returned in  
15 September of 2020, correct?  
16 A. That's what I heard.  
17 Q. So when there's been an allegation  
18 of identity theft, shouldn't video recordings  
19 have been preserved at that time?  
20 A. I don't know. It was a very rough  
21 time during COVID for everybody. So I can't  
22 really say. Everybody had a hard time with  
23 COVID, you know, people were a little  
24 nervous.  
25 Q. Sure. When you learned of this

Page 139

1  
2 lawsuit, what steps did you take to determine  
3 whether the allegations in it were true?  
4 A. I spoke to Stavros, and I trust  
5 him, and I believe him.  
6 Q. And around when did you speak to  
7 Stavros?  
8 A. Whenever the lawsuit came. I don't  
9 remember the time.  
10 Q. What did you ask him during that  
11 conversation?  
12 A. I asked him for the customer's  
13 name, who, you know, who prepared the work,  
14 you know, ID. He swears that they both were  
15 at the dealership and he had them remove the  
16 mask from a distance to make sure it was  
17 them.  
18 Q. Did he tell you who pulled  
19 Ms. Francois' credit report?  
20 A. He told me -- let me think. He  
21 told me that they were all having lunch or  
22 dinner, they were eating, a few of the  
23 managers in -- I don't know whose office. I  
24 don't remember whose office. But they were  
25 eating in a manager's office and Yessica is

Page 140

1  
2 the one who ran the credit.  
3 Q. Okay.  
4 MR. GOODMAN: Do you need to  
5 take that?  
6 THE WITNESS: No, it's okay.  
7 MS. CATHERINE: You want to  
8 take a break?  
9 THE WITNESS: It's okay. I  
10 will call back. Thank you.  
11 Q. Have any employees been fired, or  
12 otherwise disciplined, in regards to the  
13 allegations in this lawsuit?  
14 A. No.  
15 Q. Have you spoken with Yessica  
16 Vallejo about the allegations in this  
17 lawsuit?  
18 A. I have.  
19 Q. And what was the nature of that  
20 conversation?  
21 MR. GOODMAN: Was counsel  
22 present for that conversation? Was  
23 it attorney -- either me or Patrick  
24 there?  
25 THE WITNESS: When I spoke

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

141-144

Page 141	Page 143
<p>1 2 to Yessica? 3 MR. GOODMAN: Correct. 4 THE WITNESS: I am trying to 5 remember. Were you? 6 MR. GOODMAN: I think so. 7 THE WITNESS: I think you 8 were there. You were there. 9 MR. GOODMAN: There may have 10 been another time, but I definitely 11 -- 12 THE WITNESS: You were there 13 the one time, the only time. Was 14 she was very upset because Yessica 15 -- I know you met her. She takes 16 things to heart. And she said, "I 17 would never do anything that I am 18 not supposed to do." 19 MR. GOODMAN: Okay, there's 20 no question pending. 21 THE WITNESS: All right, all 22 right, all right, all right. Okay, 23 never mind. 24 Q. Was she afraid that you might 25 believe the allegations in the lawsuit?</p>	<p>1 2 contact Ms. Francois? 3 A. No. 4 Q. Do you think that Victory 5 Mitsubishi did anything wrong in the sale and 6 financing of the vehicle to Ms. Francois? 7 MR. GOODMAN: Object to the 8 form; go ahead. 9 A. No. 10 Q. Who is at fault for Ms. Francois' 11 identity being stolen? 12 MR. GOODMAN: Objection, 13 form. Don't answer that. Who's at 14 fault? You can answer, if you 15 know. I mean, object to the form. 16 A. I don't know. 17 Q. Okay. 18 MR. GOODMAN: It seems -- 19 sorry, I am not -- object to form. 20 Q. Are you aware that Emanuel LaForest 21 has testified in this lawsuit that he 22 purchased Ms. Francois' social security 23 number? 24 A. No. 25 Q. Are you aware that Mr. LaForest</p>
Page 142	Page 144
<p>1 2 MR. GOODMAN: Objection to 3 form. But also now we're in the 4 privileged conversation. So I'll 5 direct her not to answer. 6 Privilege. 7 Q. Okay. Did Ms. Vallejo mention 8 anyone by the name of Jaime Singer? 9 MR. GOODMAN: Objection. 10 Again, you are asking her about a 11 conversation we established -- 12 MS. CATHERINE: Fair enough. 13 Fair enough. 14 Q. Other than your conversation with 15 Ms. Vallejo, have you had any other 16 communications with her about the lawsuit, 17 such as e-mails? 18 MR. GOODMAN: Other than the 19 time that I was there? That's the 20 question? 21 Did you have any other 22 conversation, when I was not there, 23 with Yessica, about this case? 24 THE WITNESS: No. 25 Q. Have you, at any point, tried to</p>	<p>1 2 texted the social security number of another 3 person by the name of Jaime Singer to Stavros 4 Orsaris? 5 A. No. 6 Q. Are you aware that Emanuel LaForest 7 texted a picture of Jaime Singer's driver's 8 license to Stavros Orsaris? 9 A. No. 10 Q. Knowing what it does now, would 11 Victory Mitsubishi have taken any steps in 12 the sale and financing of a vehicle to 13 Ms. Francois differently than how it did on 14 May 30, and June 29th of 2020? 15 MR. GOODMAN: Object to the 16 form. 17 A. Are you assuming we did something? 18 I am not understanding the question. 19 Q. From my understanding -- 20 MR. GOODMAN: No, if you 21 don't understand, that's it. She 22 will ask another question. 23 THE WITNESS: Okay. 24 MS. CATHERINE: Let's take a 25 ten-minute break. Hopefully, we</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
145-148

Page 145	Page 147
<p>1 2 can wrap this up soon. 3 (Whereupon, a recess was 4 taken at this time.) 5 BY MS. CATERINE: 6 Q. So when did the Instagram account 7 for Victory Mitsubishi start? 8 MR. GOODMAN: Object to 9 form; go ahead. 10 A. Couple of years ago. Honestly, I 11 don't remember the date. 12 Q. Okay, that's fine. And you said 13 that the post that we looked at earlier were 14 put together by a marketing firm and Bibi 15 Singh; is that correct? 16 A. Yes. 17 Q. Who's Ms. Singh's supervisor? 18 MR. GOODMAN: Currently? 19 Object to form. 20 Q. In 2020. 21 A. She is a manager. 22 Q. She is a manager. So does she not 23 have a supervisor, then? 24 A. If there's ever needed, she will go 25 to Stavros. But she is a manager.</p>	<p>1 2 There's different fees. 3 Q. Okay. Does he receive any other 4 compensation through Victory Mitsubishi? 5 A. No. 6 Q. Do you know if he works for any 7 other companies, besides Victory Mitsubishi? 8 A. Not to my knowledge. 9 Q. What is a "floor planner"? 10 A. A "floor plan"? 11 Q. A floor planner. 12 MR. GOODMAN: "Planner." 13 A. I don't know. 14 Q. You don't know. Okay. 15 Do you know if anyone has a lien on 16 the vehicle in this lawsuit? 17 A. Yes. 18 Q. And who has a lien on the vehicle? 19 A. Capital One. 20 Q. So as far as you're aware, that 21 lien has not been extinguished; is that 22 correct? 23 A. Correct, yes. 24 Q. Where does Chris Orsaris live? 25 MR. GOODMAN: Note my</p>
Page 146	Page 148
<p>1 2 Q. Okay. So would she have reported 3 these marketing campaigns to Stavros? 4 A. I would -- I would say they 5 definitely had to discuss it, yes. 6 Q. And so you mentioned that Chris 7 Orsaris -- I think you called him a "buyer"; 8 is that correct? 9 A. Yes. 10 Q. What does a buyer do? 11 A. Buys and sells vehicles. 12 Q. And where is he buying and selling 13 vehicles? 14 A. Auction. Auctions. 15 Q. Okay, so he is dealing in used 16 vehicles, specifically? 17 A. Yes. 18 Q. And are these sold to Victory 19 Mitsubishi one at a time, or in bundles? 20 How does that work? 21 A. They are sold for the day. It's an 22 immediate transaction, as he buys. 23 Q. Got you. And you said he receives 24 a flat fee for the vehicles, correct? 25 A. Yes, depending on the vehicles.</p>	<p>1 2 objection. 3 A. I am not sure. 4 Q. Okay. What is a "floor plan"? 5 A. A "floor plan" is a bank that owns 6 the vehicles, so you pay interest to them, 7 and as you sell them, you payoff the floor 8 plan. It's a loan. 9 Q. And that was the ACF or AFC? 10 A. AFC. 11 Q. AFC, okay. 12 A. Yes. 13 Q. And you talked about recordings of 14 phone calls that were between Ms. Francois 15 and the dealership, correct? 16 A. Correct. 17 Q. What dealership employees were 18 speaking to Ms. Francois? 19 A. I am not sure which employees. 20 Q. Okay. How were these recordings 21 made? 22 A. I think by phone. I would say, by 23 phone. 24 Q. So the phones at Victory Mitsubishi 25 can record calls?</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
149-152

Page 149	Page 151
<p>1</p> <p>2 A. Not all phone calls, no.</p> <p>3 Q. Sure. But they have the capacity</p> <p>4 to record phone calls; is that correct?</p> <p>5 A. A couple of them do, yes.</p> <p>6 Q. Okay. And I know you said they</p> <p>7 don't record all phone calls. What is the</p> <p>8 procedure for recording phone calls?</p> <p>9 A. I am not sure. Bibi handles that.</p> <p>10 Q. And she handles that for all of the</p> <p>11 phones, both at 4070 and the other address,</p> <p>12 which I am forgetting off the top of my head?</p> <p>13 A. Yes, yes.</p> <p>14 Q. Are there any other buildings,</p> <p>15 beside those two that we talked about, for</p> <p>16 Victory Mitsubishi?</p> <p>17 A. For sales?</p> <p>18 Q. For any reason. Storage, anything</p> <p>19 like that?</p> <p>20 A. Yes, there is.</p> <p>21 Q. All right. And what are those?</p> <p>22 Where are those buildings located?</p> <p>23 A. A couple of blocks away. It's a</p> <p>24 service center.</p> <p>25 Q. Okay. Anything else, besides the</p>	<p>1</p> <p>2 Q. Okay. And the checking account you</p> <p>3 mentioned before, that's with HSBC, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know anyone who works at</p> <p>6 Victory Mitsubishi who is about 6'2" tall?</p> <p>7 A. No.</p> <p>8 Q. In the ordinary course of your</p> <p>9 work, how often do you speak with finance</p> <p>10 managers?</p> <p>11 A. At what time?</p> <p>12 Q. In 2020.</p> <p>13 A. Hardly ever. I wasn't there.</p> <p>14 Q. If I recall correctly, you couldn't</p> <p>15 remember all of the finance managers in 2020</p> <p>16 off the top of your head. But in 2020, would</p> <p>17 you have known the names of all the finance</p> <p>18 managers?</p> <p>19 A. At that time?</p> <p>20 Q. Yes.</p> <p>21 A. Yes, yes.</p> <p>22 Q. Do you know if Capital One has</p> <p>23 spoken to anyone at Victory Mitsubishi about</p> <p>24 the vehicle, since September of 2020?</p> <p>25 MR. GOODMAN: Objection;</p>
Page 150	Page 152
<p>1</p> <p>2 service center?</p> <p>3 A. In what year?</p> <p>4 Q. In 2020.</p> <p>5 A. I don't think so.</p> <p>6 Q. Okay. When you're collecting --</p> <p>7 when you are processing down payments on</p> <p>8 vehicles, what documents are you looking at</p> <p>9 to do that? Are you looking at the receipts</p> <p>10 for the down payments?</p> <p>11 A. That's one of the things I am</p> <p>12 looking at.</p> <p>13 Q. Okay. What else are you looking</p> <p>14 at, besides the receipts?</p> <p>15 A. On Dealertrack, there's a special</p> <p>16 section for deposits.</p> <p>17 Q. I see. And if a consumer makes</p> <p>18 separate payments for the down payment, like,</p> <p>19 you know, for example, at one time making a</p> <p>20 down payment of \$8,000, and another time</p> <p>21 making a payment of \$1,000, would those show</p> <p>22 up separately, or would it just show up as</p> <p>23 one payment of \$9,000?</p> <p>24 A. It would show up one, but with two</p> <p>25 different dates.</p>	<p>1</p> <p>2 asked and answered. Go ahead.</p> <p>3 A. No.</p> <p>4 Q. Do you know if there have been any</p> <p>5 e-mails or faxes exchanged between Victory</p> <p>6 Mitsubishi and Capital One, about the</p> <p>7 vehicle, since September of 2020?</p> <p>8 A. I have no knowledge of that.</p> <p>9 Q. You mentioned a Victory Mitsubishi</p> <p>10 e-mail that you used for your work. Have you</p> <p>11 searched that e-mail for information</p> <p>12 regarding this case?</p> <p>13 A. I have.</p> <p>14 Q. And did you find any e-mails</p> <p>15 regarding this case?</p> <p>16 A. No.</p> <p>17 Q. Are you able to search your cell</p> <p>18 phone for text messages?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form; go ahead.</p> <p>21 A. What time period?</p> <p>22 Q. In 2020.</p> <p>23 A. I am.</p> <p>24 MR. GOODMAN: You can search</p> <p>25 now for text messages from 2020?</p>



DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
153-156

Page 153	Page 155
<p>1</p> <p>2 THE WITNESS: No. Now, I</p> <p>3 cannot. No. Sorry, not now. I</p> <p>4 thought she meant in 2020. I don't</p> <p>5 give my phone number out, though.</p> <p>6 The employees have my work number.</p> <p>7 Q. And the work number corresponds to</p> <p>8 a phone in your office?</p> <p>9 A. Correct.</p> <p>10 Q. Have you provided your attorneys</p> <p>11 with any phone records?</p> <p>12 A. No.</p> <p>13 MS. CATHERINE: And I just</p> <p>14 want to confirm, I know your</p> <p>15 position, Counsel, in terms of</p> <p>16 giving out the home address, but</p> <p>17 can we stipulate that</p> <p>18 Ms. Argyropoulos will present</p> <p>19 herself at trial on notice?</p> <p>20 MR. GOODMAN: Well, I will</p> <p>21 accept any subpoena for trial on</p> <p>22 her behalf. I can certainly make</p> <p>23 that representation.</p> <p>24 MS. CATHERINE: Okay.</p> <p>25 That's all the questions I</p>	<p>1</p> <p>2 Yeah, because of COVID. Yeah, yeah, yeah.</p> <p>3 MR. GOODMAN: All right, I</p> <p>4 have no further questions.</p> <p>5 MS. CATHERINE: All right. I</p> <p>6 don't have anymore questions.</p> <p>7 MR. GOODMAN: I guess we are</p> <p>8 done.</p> <p>9 MS. CATHERINE: Yes. Before</p> <p>10 we go -- Ms. Argyropoulos, you are</p> <p>11 free to go. Thank you.</p> <p>12 THE WITNESS: Thank you.</p> <p>13 MR. GOODMAN: You can go.</p> <p>14 We will stay on.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MS. CATHERINE: Can we have</p> <p>17 any agreement as to taking the</p> <p>18 deposition of the Ventura person on</p> <p>19 Monday?</p> <p>20 MR. GOODMAN: Yeah, so I am</p> <p>21 advised that -- I think it's -- the</p> <p>22 individual Ventura is no longer</p> <p>23 employed by -- that's what I have</p> <p>24 been told. I inquired for a last</p> <p>25 known address and contact</p>
Page 154	Page 156
<p>1</p> <p>2 have.</p> <p>3 MR. GOODMAN: I just have</p> <p>4 one question.</p> <p>5 BY MR. GOODMAN:</p> <p>6 Q. Ms. Argyropoulos, you testified</p> <p>7 that in the year 2020, specifically, on</p> <p>8 certain dates, you were not in the dealership</p> <p>9 at all or at least not often.</p> <p>10 Is there a reason for that? I</p> <p>11 mean, we've heard COVID. But is there</p> <p>12 anything more specific that kept you away</p> <p>13 from the dealership?</p> <p>14 MS. CATHERINE: Objection to</p> <p>15 form.</p> <p>16 A. No, it was because of COVID that I</p> <p>17 wasn't going to work every day.</p> <p>18 Q. Yeah.</p> <p>19 A. It was because of COVID.</p> <p>20 Q. Was there any -- your mother at</p> <p>21 home?</p> <p>22 A. Oh, yeah, my mother is</p> <p>23 eighty-something years old. So I couldn't</p> <p>24 take a chance and get COVID, to give it to my</p> <p>25 mother. That's the reason I didn't go.</p>	<p>1</p> <p>2 information. I have not received</p> <p>3 it, but I will provide it when</p> <p>4 available.</p> <p>5 MR. KESHAVARZ: Do you know</p> <p>6 what the first name is?</p> <p>7 MR. GOODMAN: No, I do not.</p> <p>8 MR. KESHAVARZ: Well, we</p> <p>9 have to take depositions like next</p> <p>10 week. So I don't know why it's so</p> <p>11 hard to find out where she lives,</p> <p>12 what her address is, last known</p> <p>13 address.</p> <p>14 Why don't you make call and</p> <p>15 find out?</p> <p>16 MR. GOODMAN: I called and</p> <p>17 they are looking for it.</p> <p>18 MR. KESHAVARZ: I know, but</p> <p>19 we need an answer now. We can't</p> <p>20 wait until next week.</p> <p>21 MR. GOODMAN: You will not</p> <p>22 get an answer right now. You will</p> <p>23 get an answer as soon as I get an</p> <p>24 answer. I am not trying to hold it</p> <p>25 back from you. I have made an</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

157-160

Page 157	Page 159
<p>1 2 inquiry and I will provide it when 3 I get it. 4 MS. CATERINE: What other 5 information do you have about this 6 person at this time? 7 MR. GOODMAN: Not much, 8 other than Y. Ventura. 9 MR. KESHAVARZ: Well, can we 10 nail down a date for a deposition 11 for our availability and your 12 availability. 13 MS. CATERINE: For next 14 week. 15 MR. GOODMAN: When I get an 16 update, it will appear. You will 17 have to subpoena this individual. 18 That will take time and effort. 19 MR. KESHAVARZ: That's fine, 20 but when are you available next 21 week? 22 MR. GOODMAN: I don't know. 23 MR. KESHAVARZ: Find out. 24 MR. GOODMAN: Do what -- 25 MR. KESHAVARZ: Let's narrow</p>	<p>1 2 available on that" -- 3 MR. GOODMAN: I don't want 4 to clear that with you. 5 MR. KESHAVARZ: Get that on 6 record. 7 MR. GOODMAN: No, we will 8 not get that on record. 9 MR. KESHAVARZ: Where's the 10 court reporter? We never got off 11 record. Madam court reporter, are 12 we still on the record? 13 THE REPORTER: Yes. 14 MR. KESHAVARZ: Okay, thank 15 you. 16 -oOo- 17 (Whereupon, the examination 18 of DIANE ARGYROPOLOUS was adjourned 19 at 3:06 p.m.) 20 21 DIANE ARGYROPOLOUS 22 Subscribed and sworn to 23 before me this day 24 of , 2022. 25 NOTARY PUBLIC</p>
Page 158	Page 160
<p>1 2 that down now. 3 MR. GOODMAN: I am not 4 available. I am available for 5 Jaime Singh and Paquito. 6 MR. KESHAVARZ: I don't want 7 to hear that when I subpoena her, 8 you are not available for that 9 date. If you are giving us -- 10 MR. GOODMAN: What's the 11 point? You will not get -- 12 MR. KESHAVARZ: When are you 13 available? 14 MR. GOODMAN: You will never 15 get her next week. 16 MR. KESHAVARZ: Forget about 17 her. She doesn't work for you. 18 You can't file a motion to squash. 19 I will subpoena as soon as I can. 20 I don't want to hear you are not 21 available that day. So let's look 22 at attorneys schedules. I just 23 want it clear. If you don't want 24 it clear, that's fine. I don't 25 want to hear you say, "I am not</p>	<p>1 2 3 ----- I N D E X ----- 4 WITNESS EXAMINATION BY PAGE 5 DIANE ARGYROPOLOUS 6 MS. CATERINE 6 7 MR. GOODMAN 154 8 ----- REQUESTS ----- 9 Page 109...line 24 10 Document that lists all of the employee 11 identification numbers, like 999, and A31 12 Page 130...line 6 13 Production of that record in regard to the 14 down payment for this vehicle. 15 ----- FURNISH ----- 16 Page 18...line 11 17 Production of cell phone number 18 19 Page 81...line 6 20 Name of IT guy 21 Page 94...line 10 22 Name of the marketing company 23 24 ----- EXHIBITS ----- 25 26 DEFENDANT'S FOR ID. 27 EXHIBIT 43 Instagram Posts premarked 28 EXHIBIT 44 Dealer Track History premarked 29 EXHIBIT 45 K-1 Filings premarked 30 31 (Exhibits retained by reporter.) 32 33 ----- 34 35</p>

DIANE ARGYROPOLOUS  
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022  
161-164

Page 161	Page 163
<p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF NEW YORK )</p> <p>4 : ss.</p> <p>5</p> <p>6 I, AYDIL M. TORRES, a Notary Public</p> <p>7 within and for the State of New York, do</p> <p>8 hereby certify:</p> <p>9 That DIANE ARGYROPOLOUS, the witness</p> <p>10 whose deposition is hereinbefore set forth,</p> <p>11 was duly sworn by me and that such deposition</p> <p>12 is a true record of the testimony given by</p> <p>13 the witness.</p> <p>14 I further certify that I am not</p> <p>15 related to any of the parties to this action</p> <p>16 by blood or marriage, and that I am in no way</p> <p>17 interested in the outcome of this matter.</p> <p>18 IN WITNESS WHEREOF, I have hereunto</p> <p>19 set my hand this 9th day of December, 2022.</p> <p>20</p> <p>21 <i>Aydil M. Torres</i></p> <p>22</p> <p>23 AYDIL M. TORRES</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3 Page No. _____ Line No. _____ Change</p> <p>4 to: _____</p> <p>5</p> <p>6 Reason for</p> <p>7 change: _____</p> <p>8 Page No. _____ Line No. _____ Change</p> <p>9 to: _____</p> <p>10</p> <p>11 Reason for</p> <p>12 change: _____</p> <p>13 Page No. _____ Line No. _____ Change</p> <p>14 to: _____</p> <p>15</p> <p>16 Reason for</p> <p>17 change: _____</p> <p>18 Page No. _____ Line No. _____ Change</p> <p>19 to: _____</p> <p>20</p> <p>21 Reason for</p> <p>22 change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 DIANE ARGYROPOLOUS</p> <p>25</p>
<p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3</p> <p>4 Our Assignment No. J8950423</p> <p>5 Case Caption: FARAH JEAN FRANCOIS vs.</p> <p>6 VICTORY AUTO GROUP LLC, ET AL.</p> <p>7 DECLARATION UNDER PENALTY OF PERJURY</p> <p>8 I declare under penalty of perjury</p> <p>9 That I have read the entire transcript of</p> <p>10 My Deposition taken in the captioned matter</p> <p>11 Or the same has been read to me, and</p> <p>12 The same is true and accurate, save and</p> <p>13 Except for changes and/or corrections, if</p> <p>14 Any, as indicated by me on the DEPOSITION</p> <p>15 ERRATA SHEET hereof, with the understanding</p> <p>16 That I offer these changes as if still under</p> <p>17 Oath.</p> <p>18 _____</p> <p>19 DIANE ARGYROPOLOUS</p> <p>20 Subscribed and sworn to on the _____ day of</p> <p>21 _____, 20____ before me,</p> <p>22 _____</p> <p>23 _____</p> <p>24 Notary Public,</p> <p>25 In and for the State of _____</p>	<p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3 Page No. _____ Line No. _____ Change</p> <p>4 to: _____</p> <p>5</p> <p>6 Reason for</p> <p>7 change: _____</p> <p>8 Page No. _____ Line No. _____ Change</p> <p>9 to: _____</p> <p>10</p> <p>11 Reason for</p> <p>12 change: _____</p> <p>13 Page No. _____ Line No. _____ Change</p> <p>14 to: _____</p> <p>15</p> <p>16 Reason for</p> <p>17 change: _____</p> <p>18 Page No. _____ Line No. _____ Change</p> <p>19 to: _____</p> <p>20</p> <p>21 Reason for</p> <p>22 change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 DIANE ARGYROPOLOUS</p> <p>25</p>